

Legislative History for Connecticut Act

HB 5020	PA 328	1974
Environment: p104-166, 264-278, 292, 296-297, 360-361, 379-382, 447-454, 466, 468, 481, 501, 563-507		(104)
Senate :	p2591-2592	(2)
House :	p5102-5122	(21)
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REPRESENTATIVEGRANDE: Are not these people trained to use these pesticides in these particular agencies?

MR. MINOR: I don't know. I don't think that they are trained anymore than anyone else is trained. There are no requirements or necessities for being trained in the State of Connecticut currently.

REPRESENTATIVE GRANDE: Thank you.

REPRESENTATIVE TIFFANY: Further questions from theCommittee? Further testimony?

MR. STASHANKO: Thank you gentlemen. My name is John Stashanko from Stamford, Connecticut. I am President of the Connecticut Tree Protective Association which has a membership of well over two hundred custom applicators in the State of Connecticut. To brief you briefly, the Connecticut Tree Protective Association is over fifty years old. Connecticut has been foremost long before we talked about or the public was aware of the environment, of pesticides, the New Haven Experimental Station had an examining board to answer that gentleman's previous question on whether men are familiar with the use of pesticides or herbicides. There's a lengthy test that must be taken and it's given at the New Haven Experimental Station and I believe George Stevens is here and he'll probably talk after me and he probably can explain to you more thoroughly than I can, how rigorous this examination is in the proper use of a pesticide. Most people look at pesticides and incidently, I'm in favor of this entire Bill, except with certain revisions. The revisions that I would like to see be made that it states, on page 13, 379 to 382, in that lengthy Bill, it states the Commission may defer to the tree protective board it should spell out the word may to show. In other words that the Commissioner may defer to the tree examining board for the licensing law. But I believe that word should be changed to shall spell out to the licensing law. Therefore giving the power to the tree examining board to continue the work that they have been doing for over fifty years. Many of us, this is for information, believe that all pesticides are harmful. You know the chemists have a jargon all their own, just like any other occupational group, including farmers which Commissioner Lufkin testified to this afternoon. When testing to find out just how much poisonous a substance is, scientists refer to an LD 50, which means the dose level or lethal dose, which will kill fifty percent of test animals and it's expressed in terms of milligrams of material ingested per kilogram of animal weight. For instance, paration which is a very toxic substance, will kill fifty percent of test animals at a level of only three milligrams per kilogram of body weight. Negatine, which is voluntarily drawn into lungs by millions of smokers has an LD 50 on the level of 50 when measured on the same scale, which shows it's very hazardous. Most pesticide haters overlook the fact that practically everything has a potential LD 50 rating. The coffee that I see many of you people drinking here today, caffen in the coffee, that's stimulant so important to coffee sales will kill half of the test animals at a rate of two hundred

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milligrams per kilogram of body weight. Malation, in fact it is more lethal than the now infamous DDT which has been banned from spraying. DDT has a rating of 250 milligrams required to do the same job. Yet caffeine will do it at 200 milligrams per body weight. Malation has 1,500 and is only slightly more toxic than the common aspirin that we all take. And table salt which all of us use every day, which is sodium chloride is on a par with DDD which is a chemical relative of DDT. Both having an LB 50 of 3,400 per body weight.

Now, for practically any insecticide or pesticide of comparable toxicity can be found in commonly used household materials. Most any drain cleaner would prove as poisonous as some of the hotter pesticides that are on the market today. My point is not to claim that pesticides may be treated carelessly but rather to say that our world is full of toxin compounds which, in their place, are very much needed by people. Pesticides are just one more category in a long list of useful but potential toxic compounds and that includes caffeine and aspirin and table salt. Now you men as legislators, if you can gain some perspective about these items, including pesticides, then we can rationally evaluate them in terms of the benefit versus ratio. Thereby we can avoid the emotional overkill concerning pesticides as well as other materials that always leads us to undesirable, long range laws and decisions. I would like to take a moment more of your time if you gentlemen will bear with me - something that I'll leave with you but I'd like to read it. It's something that concerns all of us in every day life and this is an editorial from the Tulsa, Oklahoma newspaper. To deviate a moment, I've been handling pesticides for well nigh over fifty years and this is every year, with no lapse in between. My family has been handling pesticides for a hundred years. This is applying.

I'll read this editorial if you'll bear with me. "Your letter brought back memories of the days when everything was pure. Ah, yes, when nobody used commercial fertilizer or insecticides or herbicides. Those were the good old days. Those were the days when eating an apple or peach was an adventure and produced the joke - what's worse than finding a worm in an apple? Answer was finding half of one. Those were the days when hogs died of cholera and lay rotting in creek, from which farmers down stream dipped drinking water. Those were the pure days when cans of cream would sit on a railroad shipping dock in the hot, boiling sun covered with swarms of flies and crawling with maggots. Those were the pure days when meat markets hung sides of meat in the open, providing spawning ground for flies and other insects that had their beginning in open cesspools and backyard toilets. Those were the days when flocks of hen died because of limber neck, caused from eating maggots found in decaying animal carcasses and manure piles. Yes, those were the same kind of feed that produced table eggs so smelly you had to hold your nose to prepare and eat them. Yes, those were the days when

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hogs were fed raw garbage, producing in many persons a malady known as trichinosis and when housewives strained milk, not only to remove flies, hair and other dirt, but to strain out stringy milk which later turned out to be the pus from lesions of mastitis, infected cow udders. Many a person walked around with debilitating illness known as Malta Fever which he didn't associate with aborted cows and sows until it was identified as brucellosis abortus which now has virtually been stamped out. Yes, those were the days when the environment was pure and when cemeteries were filled with bodies of babies and young children, when malaria and typhoid fever literally wiped out entire families. Yes, I remember those days. I remember the days out in Kansas when the grasshoppers ate all the wheat when we had a shortage of food. Those were the days when life expectancy was 46 years for men and 48 for females compared to the life expectancy today of 70 for males and 72 for females. Those were the days when farm chemicals made it so dangerous to live. Those were the days when the sun was blacked out by boiling clouds of swirling dust, when the rains washed away topsoil and streams and rivers ran red with millions of tons of eroding land until farmers built terraces, and used the so-called dangerous fertilizers to establish cover crops to hold the soil in place.

Ah, yes, many of you lost touch with the world around me but this is what makes your closing statement so hilarious. There are many of us who might see what most of us find obvious. Chemical pesticides induced depletion of the soil, resulting in poisoned food, air, soil and water. In short, destruction of everything pure. We have no idea whom most of us include. DRH, the writer of this, didn't say. We don't know the extent of DRH's awareness of the world around him. And I repeat there are many of us here that don't know, aren't aware of the world around us. We must agree that our world viewpoint is limited - limited to the survival of an attack of dengue fever in the tropics, an insect borne disease so painful and disabling that we lay in our own body wastes on a canvas cot for a week unable to move. We've survived bacillary dysentery in the Orient, caused by impure drinking water and a crippling onset of infectious hepatitis from eating vegetables grown on land fertilized with human excrement. We counted it a blessing to get enough DDT to control disease carrying body and crab lice. Have you ever been lousy? Those of you who have been in the army probably know. This is my own comment. Our world includes seeing bloated bellies of starving children, suffering from kwashiorkor, a protein deficiency disease; children who scavenged in garbage dumps for something to eat. A child whose parents would literally give their lives for enough fertilizer or pesticide or any other chemical to provide an environment that DRH said is killing him. For years, we've stressed the cautious, intelligent use of farm chemicals, warning readers time and time again that abuse is dangerous and deadly. We've provided space for ecologists and environmentalists to state their viewpoints. We've said again and again, that environmental abuses do exist. We've had harsh things to say about industries that wantonly abuse the environment.

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But DRH reminds us that there are people whose view of the world is limited by the rose colored glasses; a world that never existed and never will. We than DRH for forcing us to remember some unpleasant experiences which he seemed to look forward to in his pure world.

Good luck friend, you'll need it. We have lived in your pure world and you can have our share of it. We'll take the DDT plagued fertilizer and ehcmical poisoned world where food is better and cheaper than ever before and where people live longer and are healthier than ever before. Thank you, gentlemen. I'll leave this with you and again, I wish you'd pass the Bill but I hope that you would give the licensing of that Bill into the custody of the New Haven Experimental Station which has done such a wonderful job for the last fifty years.

REPRESENTATIVE HARLOW: Thank you, sir. Commissioner.

(End of tape #20. The following is the beginning of tape #21 which speaker I am assuming is Joseph Gill, since there is no identification on the tape and since he is listed as the next speaker on the list of speakers. Tape #21 begins as follows.)

MR. GILL: #3.00 a ton last year is now costing \$115 to \$120.00, is that right Jack?

UNIDENTIFIED SPEAKER: Last year? Last month.

MR. GILL: And the farmers of the State of Connecticut are facing a real economic challenge and this is a genuine challenge. And I would hate to see roadblocks thrown in front of a viable agricultural economy by artificial standards that cannot be justified in light of the present proposals of the Federal Pesticide Control Standards. I'm awful glad that previous gentleman appeared ahead of me. He gave you a very good over view of what it used to be and what it is today. We're living better; living longer. The farmers of Connecticut want to abide by the standards that have been set by the Federal Government and they can, but there are a few sections of this proposed act that need review in our opinion, in order to make it possible for the farmers to be able to in fact obtain pesticides because the restrictions here for a vendor of pesticides are such that the paper work or the paper shuffling, so-called, is going to discourage them out of this. And I would hope that the Committee might review this procedure in the final draft of the act. Another suggestion that I would make is that there are certain sections of the act that call for standards and other sections that call for regulations. I would hope that there would be a consistency in this because standards have no force or effect of law but can be a capricious determination by the Department. Whereas regulations are subject to review annually by the General Assembly and an arbitrary decision can be corrected. If, on review by the General Assembly annually annually, the standards, the regula-

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tions are established rather than so-called standards or guidelines. I've not seen the word guideline in this act but in certain places there are standards that are proposed and I would hope that this would be adjusted so that all of these things would be by regulation and this would give everybody a firm idea of just exactly what the regulations or the requirements would be for complying with the provisions of the act. This is all I have for my statement, sir. Thank you very much.

REPRESENTATIVE HARLOW: Commissioner, thank you. I also think it might be helpful if you could volunteer to appear informally before our Committee, based on your experience and your knowledge and perhaps be more specific in terms of some of those recommendations. We would appreciate that, I'm sure.

MR. GILL: I would be very happy to. Thank you very much.

REPRESENTATIVE HARLOW: Thank you. Any other questions from the Committee?

REPRESENTATIVE APTHORP: Could the Commissioner give us, on those sections that bother you, the sub-committee - no, I don't mean now, sir. The sub-committee was bothered from the farm aspect. Could you give us something, please, in writing, sir, as we really want to look at that.

MR. GILL: I've been working with Deputy Commissioner Futtner discussing this and Commissioner Futtner does have some outline of it and I'll work with him more so that we will come with an approach to this if that's satisfactory. May I ask you a question? When are you coming to Windham with the wetlands, relative to wetlands?

REPRESENTATIVE HARLOW: We're coming to Windham on the 21st at the Windham High School, Commissioner.

MR. GILL: Thank you very much.

REPRESENTATIVE HARLOW: Would the Deputy Commissioner like to testify at this time? This is Deputy Commissioner Pat Futtner.

MR. FUTTNER: Mr. Chairman, members of the Environment Committee, Deputy Futtner, Deputy Commissioner of the Department of Agriculture. Commissioner Lufkin addressed you before concerning, actually the statement of purpose, to bring Connecticut Pesticide Law into conformity with Federal Law and to enhance regulatory effectiveness. I believe that everyone connected with agriculture in the State of Connecticut is for conforming to the Federal Law. Commissioner Lufkin who is a strong friend of the farmer, has stated previously that he in no way wants to hurt agriculture in this State. I believe him but unfortunately Commissioner Lufkin some time or other, will not be Commissioner of the Department of Environmental Protection and the next Commissioner or the Commissioner after him may not have as strong a feeling for agriculture as Commissioner Lufkin does. In going

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through the proposed State Act, there are many areas and I have them all outlined here and I have copies of the outline which I will give the Chairman for distribution to those members of the Committee. There are many areas in that particular Bill that do replace, that do place more severe restrictions on Connecticut agriculture than does the Federal Act. I would say this that if you're going to meet in another Session, I would be glad to go through these. You'll have them for review so probably the best thing to do rather than go through all these pages of changes that have been put into the State Act that are not in the Federal Act, or in some cases taken out of the Federal Act, perhaps the best thing to do would go over them in Executive Session. If that's all right with you, rather than go through the whole line of pages here, I'd be glad to do that. Do any of you have any questions regarding the Act as it effects agriculture in the State?

REPRESENTATIVE HARLOW: Commissioner, I'm sure the Committee would welcome an opportunity, both in its sub-committee, form a Committee of the whole to do exactly what you're saying. Specifically go over your recommendations in terms of the Act.

MR. FUTNER: I'd be glad to come.

REPRESENTATIVE HARLOW: We'd be glad to have you. Thank you very much.

MR. ANDERSON: My name is John Anderson. I'm State Entomologist at the Connecticut Agricultural Experiment Station. I have just three comments to make. First, I'd like you to know that the Experiment Station makes itself fully available to your Committee for information and consultation on the technological aspects of this Bill if you so desire. Secondly, I'd like to call to your attention at Line 345 of the proposed Bill, which states or which would require that the Station inspect agricultural crops, nurseries and orchards before the approval is given for the application of pesticides by aircraft. The Station has done this for many years and would be glad to continue it if you so desire. And thirdly, I call your attention to Line 557 where the analysis of samples of pesticides is mentioned. Section 19-300c of the present Statutes requires the sampling and examination of pesticides under the joint direction of the Commissioner of Environmental Protection and the Director of the Connecticut Agricultural Experiment Station. The Station annually purchases and analyses samples of brands of pesticides offered for sale here in Connecticut and then publishes these results in bulletins of the station. It seems reasonable that the inspections should be made by the regulatory agency. In other words, the Department of Environmental Protection and that the analyses should be made by the existing laboratory which serves several functions efficiently. We therefore, suggest that the Committee Bill might be changed in Line 557, to read as follows:

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Official samples may be analyzed in the laboratories of the Connecticut Agricultural Experiment Station and the results published in the bulletins of the Station with such information regarding the character, composition and use thereof as may be of public interest or importance. I thank you.

REPRESENTATIVE HARLOW: We thank you, sir. Any questions from the Committee?

MR. STEVENS: Mr. Chairman, members of the Committee, my name is George R. Stevens. I am Secretary Treasurer of the State Tree Protection Examining Board. I wish to state that in general, I favor adoption of the proposed Bill. However, I offer certain specific comments on the language of the Bill in its present form. Section 2f in which the custom applicator's licenses types are defined, defining two types, supervisory and operational. I believe this to be excessive regulations serving no useful purpose and I believe it will tend to shift the burden of responsibility from the supervisor to that of the operator. Under existing law, both the custom tree work law and the custom ground spraying law contained in 19-300, we have in affect supervisory licenses at the present time. To create this additional class of licenses, it is my opinion that this would create a tremendous administrative burden and one which might likely be unworkable or difficult to enforce. It is my contention at the present time that there are many in the State, custom applicators, who in fact are not licensed at the present time and should be. Secondly, I would suggest to the Committee that Section 4 bl, be amended to provide that advertisement or solicitation of custom application be prohibited without first having secured a license to engage in this business. At the present time, this is a bone of contention among those licensed to do custom tree work because people may advertise or solicit business but they do not violate the law until they actually perform the work and with the mere presence of advertisements in newspapers in the classified portions of telephone directories, they attract substantial business to them. Therefore, I submit that - suggest that this amendment be made in order to protect those who are in fact, licensed to do work. Section 4e, it's left up to the Commissioner to propose fees to defray the cost of the examination and licensing. I would suggest that a definite schedule of fees in fact, be posted in the legislation so that these in fact, would be clearly known and avoid the possibility of access or arbitrary fees.

Section 4f operational licenses may not be issued without - at least if I interpret the proposed act correctly, operational licenses may not be issued without proof of financial responsibility. I think a clarification here is in order to determine who provides the proof of financial responsibility. The individual or the employer? Because if it is the employer and the individual leaves that employer, what then is the status of his license? Does it automatically lapse or does it remain valid? In Section 15a, no provision is made for warnings for fire citations to custom applicators or to aircraft applicators such as is extended to the private applicators. There's a clear difference in the maximum limitation of fines that may be imposed but the custom

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applicators are not afforded the opportunity for even a warning or a citation. Now the Federal Act clearly states that the Federal Environmental Protection Administrator need not institute proceedings against the violator if, in his judgment, the public interest would be better served by issuing a warning. I suggest that this proposal be amended also to provide the Commissioner with such an outlet. If this Bill is adopted in its present form, then I suggest that the existing Statute 23-61 which is the Custom Tree Work Law, will require amendment in order to conflict with this act because at present the definition of custom tree work specifically includes the spraying of trees. Adoption of this Act would place licensing and examination in the hands of the Commissioner of Environmental Protection and would bring the two into conflict. I have two further comments. One in Section 4 which provides for licensing of custom applicators there is a specified term of five years for the license. There is no explicit provision for renewal of this license without re-examination. I ask, is it the intent of this act to require re-examination upon the completion of a five year term of license? Further, there is no provision made for those who are presently licensed for the custom application of pesticides. Again, is it the intent of the legislation that every holder of a custom applicator's license now, whether it be a custom tree work license or a custom ground spraying license, be required to be re-examined before he could obtain a license for the custom application of pesticides? Those conclude my comments.

REPRESENTATIVE HARLOW: Thank you, sir. Does the Committee have any questions at this point? I wonder sir, if you could perhaps - I notice that your comments are hand written so perhaps you could type them up and get them in to us. It would be very helpful, yes. No other questions? Thank you once again.

MS. JAIVIN: My name is Linda Jaivin.

REPRESENTATIVE HARLOW: Linda, pull the mike closer, if you will.

MS. JAIVIN: My name is Linda Jaivin. I represent Connecticut Student Action Group as well as the 1972 Politics of Pollution Conference, associated with Connecticut Citizen Action Group. We urge the Environmental Committee to give Committee Bill 1810, AN ACT CONCERNING PESTICIDES, a favorable rating. This Bill is a serious effort to deal with the pest control situation in Connecticut, in a manner both economically and biologically feasible. The indiscriminate sale of all persistent pesticides should be limited by licensing persistent pesticides defined as the chlorinated hydrocarbons. Chlordane, however, should be excluded because its persistence and stability make it a highly effective treatment for ants and termites around buildings. The organophosphate group of pesticides is another meriting strict control. They should be prohibited to all except licensed professionals. Malathion would too be excluded because it is not terribly toxic to either cold blooded animals or mammals and is an effective contact poison. As faulty spraying equipment often results in pesticides landing where they were never intended

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to land as well as worker mishaps, a mandatory yearly inspection of the professional spraying rigs should be instituted. The cost of inspectors would be at least partially defrayed by a fee charged on approval. Pesticides are by virtue of their composition, chemicals not easily disposed of. They cannot be discarded on land or in the water or even burned at a dump. A high power incinerator would serve individuals with small amounts left in bottles, etc., as well as companies with large amounts of pesticides they wish to get rid of. This provision should be incorporated into the Bill. Finally, all pesticides use, particularly in watershed areas, must be proceeded by the filing of environmental impact statements. The water is the last place we want pesticides to stray for multiple reasons. Among other reasons, the water is what we and other animals must drink. It is the basis of much of our food and it tends to carry pesticides from an area that they were placed to a neighboring area they have no business in. Once again, I urge you to support strengthening Committee Bill 1810. Thank you.

REPRESENTATIVE HARLOW: Thank you, Linda. Is there anyone else who would like to testify on 1810?

UNIDENTIFIED: Point of order, Mr. Chairman, before I identify myself and proceed. I've asked the Secretary at your rear in regards, in reference to Bill 1134 and 1136 and were they to be included on the matters on the Agenda today or were they excluded as I am led to believe because presumably they would be covered by Bill 1810?

REPRESENTATIVE HARLOW: I can't answer that question directly. It's probably a two pronged answer. It might be that they are included in secondarily some of the Bills - I am informed sir, that the feeling was that 1810 was all encompassing enough to cover the subject matter of those two other Bills.

UNIDENTIFIED: Do I understand from that that you do not intend to schedule any further Hearings with regard to these two Bills since they were submitted then?

REPRESENTATIVE HARLOW: That's correct, sir.

UNIDENTIFIED: Well, I do take particular exception to the fact that the scope of the two recommendations made therein are woefully lacking in our Bill. If I may take the Chair?

REPRESENTATIVE HARLOW: Yes you may and I would urge you, if that's the point of your testimony, certainly to have it recorded in and we'll get another chance to evaluate your testimony in terms of reviewing the Bill. Would you identify yourself please?

MR. COLETTI: Mr. Chairman, members of the Environmental Committee, my name is Paul Colletti. I live and operate a termite pest control business in the Town of Fairfield. I want to just first say that if

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this Bill 1810 is a preliminary draft, by reason of my absence from town, in fact absence from the State, only having returned last Sunday, I have not had an opportunity to review its contents until I arrived at the capitol here this morning. But it becomes patently clear that from the testimony of those that have preceeded me, that it is seriously and woefully lacking in its needed content. It is presumably borne of the Federal mandate that is spelled out to all fifty of the states that we here in Connecticut have to meet. And at this point, I would ask if I may, another question before I make a very brief statement. Is it the intent of this Bill, 1810, will supplant the existing pesticide Bill here in Connecticut? Take its place?

REPRESENTATIVE HARLOW: You mean the entire Statute? What we're hoping to do is update, revise or modify the existing Statute, with that Bill. Now, I would like to point out that part of what we're doing today is to allow input to the Committee so that when we get back into Committee action, we can evaluate some of the recommendations or criticisms in terms of either modifying, amending or changing. The Bill that you have before you, you know, it's not a final product by any means. It's what we call a working Bill. Thank you.

MR. COLLETTI: Good. Well, I would direct my statement most in particular the two Bills that have been apparently excluded because I do feel that they are woefully and unsatisfactorily covered in the original draft as we see it in this particular text. I have incidently gentlemen, as you all may very well know, submitted this statement, in writing, to the Chairman and each of the members of the Committee already, individually. But, for the matter of public record, and for the press, it's very brief and I would like just to run through it if I may. It's important to note that the manner in which these Bills are worded, although intentional to most, would appear to be incongruous with their purpose. The Enactment of the 1963 Connecticut Pesticide Control Act, we have continuously tried to see resolved a monumental amount of wrong that prevails as regards the use and users of pesticides in Connecticut. During the last Session of your astute Assembly, two of your own colleagues stated that there is absolutely no point in passing legislation unless the appropriate agency to which it is assigned recognizes the full mandate under the law and sees to it that it is enforced. Sometimes it has to be specifically spelled out.

Public Act 527 and the resulting 1963 Pesticide Law was in no way intended to put someone into a business that he was never in before, least of all into a business he is hardly qualified to pursue. Yet this is exactly what has happened. Nor was the law intended to allow out of state operators to misrepresent themselves, their qualifications, and their actual whereabouts to potential Connecticut customers. We, therefore, respectfully call to your attention two amendments to the Connecticut Pesticide Control Law, Bills No. 1134 and 1136, both jointly sponsored by Senator Joseph Gormley, 28th District, Representative Harry Wenz, the 134th District.

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Bill 1134, its intent is to establish a course of study at the Vocational Trade School level, for the exterminator or pest control operator. As an amendment to the 1963 Pesticide Law, it relieves the Commissioner of Environmental Protection of the responsibility that does not rightly belong to that agency. The State Board of Occupational Licensing operates as an arm of the Connecticut State Department of Education. It is that agency that in recent years was assigned the task of training and licensing the vocational trades, electricians, plumbers, radio and television, etc.

Before any applicant should be expected to expose himself to an examination in any trade, he should rightfully have available, an acceptable apprentice training program. The format with which this agency would assume this task would be first, with the cooperation of all appropriate agencies, Agriculture, EPA, State University, National and Local Trade Associations, etc., to set up an approved program of classroom study preferably at the Vocational Trade School level. Examinations conducted upon successful completion of such a course would thereupon serve as the minimum requirement to the issuance of a license in a specific trade. To this, we might add the requirement of proof of financial responsibility and the usual appropriate apprentice training period, six years, thereby assuring everyone of adequate experienced supervision at the job site, as the law originally intended. It's interesting to note that the Connecticut State Labor Department has recently been granted substantial Federal financial assistance to help educate and reemploy our unemployed, that of course is the Manpower Development Training Act. Our industry at present is ineligible for this assistance simply because we do not have an available apprentice training course acceptable to that agency.

The recalcitrant manner in which the requirement to license the extermination trade was done in 1964 and the continuing number of applicants who have applied since, 140 at the offset and over 350 to date, has resulted in much consternation and must be resolved. Such complacency has aggravated what was already a very bad situation.

Bill No. 1136. The provision for adequate supervision of custom ground application of pesticides is already in the law. The fact is that this requirement is being totally ignored. The intent of the Bill is, in effect, to eliminate the profiteering in the trade for the most part, being done by out of town and out of State promoters. This they are able to do, in breach of their obligation under the law, by disguising their true identity and whereabouts through the media of a telephone answering service, leading a panic stricken, gullible public to believe their office is in the local community. In fact, it is conservatively estimated that over fifty percent of the potential business in Connecticut is being sapped from our local business economy. It would presumably follow therefore that over fifty percent of the assumed

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deliterious pesticides are being dispensed by unsupervised personnel. Both these Bills, incidently, will entail no additional cost to the State. A monumental amount of wrong prevails within our industry. Much more could and should be said, but time will not allow. It is important to note that with the enactment last October, of the new Federal Pesticide Law, that these requirements, amongst others, must be recognized or, as Governor Meskill Pointed out, failure to accomplish these objectives will certainly result in reduced Federal Aid to Connecticut. Mr. Chairman, we need yours and your Committee's assistance. The enactment of these two minor amendments will help us to resolve much if not most of the inequity. We aks that you consider them carefully and hopefully look to see them reported out of your Committee favorably.

REPRESENTATIVE HARLOW: Thank you, sir. Are there - I think there's a question from Representative Matthews.

REPRESENTATIVE MATTHEWS: Mr. Coletti, could you give us some specific examples of how you think the abuse of the present law is involved in pesticide control? Custom - wjatever it may be.

MR. COLETTI: Well, yes, Representative Matthews. Most essentially by the lack of supervision over the ground use of pesticides and more in particular as I related to these out of town operators, it's awfully hard for those of you legislators who are situated in various other parts of the State, but economically speaking, the bulk of the business is being written in this industry and by reason of the density of population is being written in the Southwestern end of the State. Our proximity, in Fairfield County in particular, although to some extent in New Haven and Litchfield Counties and to a very much smaller extent throughout the entire State. But anyway, we're so close down in Fairfield County to the New York market that we have multiplications of these entrepreneurs, if you will, operating out of Smithtown, Long Island, Hempstead, Long Island City, Manhattan, Yonkers, the Bronx, White Plains, East Orange, New Jersey, Poughkeepsie, New York, none of whom maintain any viable place of business in Connecticut anywhere to be found. What they do is to put an ad in the classified sections of the telephone directory, not one, they blanket them, all of them. Three that we know of and certainly more, have gone so far as to print fictitious letterheads and false billing invoices to further compound that subtrafuge leading the local constituents to think that he has an office in New Haven or Stamford, when in reality, it doesn't exist anywhere in the State of Connecticut. Then, they send their route wagons up the Connecticut Turnpike from Long Island and Westchester, with inept, untrained, unqualified and absolutely unsupervised personnel. It's dangerous, to say the least, it's had serious economic repercussions.

REPRESENTATIVE HARLOW: Sir, are there no regulatory mechanisms in the New York State Law that in any way inhibits this activity?

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MR. COLETTI: Unfortunately, the laxity in New York probably even exceeds that here in Connecticut and we both have a reciprocal recognition arrangement and I would, incidently, be violently opposed to the recommendation in that regard that's been written into the original draft of this Bill. Amongst a good many others, I want very much an opportunity to review this thing in depth and I will and report back to you further.

REPRESENTATIVE HARLOW: Does your Regional Association in your opinion, support your viewpoint?

MR. COLETTI: They are in unfortunate opposition to the position that I take because any such of these recommendations doesn't serve their best interests. I am a member of both the National and the Connecticut Pest Control Association and have been a director of such. The shortcoming exists. The question was asked of the Board, of the panel here, I don't recall just who it was, as regards are not we trained? Gentlemen, that's the thing that's so seriously lacking in this trade. I pointed out that it's altogether improper. I am not an attorney but I think I can safely say that it would be illegal to announce that we are going to examine a vocational trade and license that trade to pursue the livelihood to which they have been earning their livelihood. Without adequate forewarning of the intent and the provision to provide a means of education and training. It shouldn't be any different in our trade then it is in any other vocational trade. If you are in need of an electrician or a license or a plumber, his men can't even appear in the yellow section of the directory until he has served an appropriate apprentice training, until he has gone to vocational trade school and learned the rudiments of his trade and then served an apprenticeship under the tutelage of a journeyman trade contractor. I have advocated since the inception, and we were one of the very first on record, to indicate the need for the intent of all of this legislation, prior to 1963, when they enacted the law here in Connecticut. But the thing that's so seriously lacking is the lack of any place for an aspirant to a livelihood in this trade, to turn for education in this regard. I posed that statement to Commissioner Lufkin and it would be very interesting to note to this panel here that Mr. Lufkin inquired of me - well Mr. Coletti, how many people do you suppose would need this kind of training, are available to do it? And I can tell you very conservatively that there are at least two or three thousand people here in Connecticut who are in need of such classroom indoctrination and field training. If the State of Connecticut saw fit to license to this date in excess of three hundred operators and the National Association figures indicate that the average number of employees in each is four, simple multiplication gives us four figures already and as one of the previous witnesses before you here people that appeared before me here indicated that by all means, the various State agencies

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who have occasion to use these materials, the Forestry Division, the Park Department, indeed every municipality in the town has a Park Department and a Maintenance Department and has on occasion to use herbicides and insecticides. Everyone of these people should be made to do it. The Maintenance Department of our industrial plants who in the normal routine course of their responsibilities to their employers have occasion to buy and use these very materials. When we broached this intent to the Department of Education and investigated this recommendation quite considerably in depth over the years and when I first approached Dr. Eddy who has since retired from the Department of Education and was referred to Mr. Hegeston, John Hegeston, I was told that indeed, that's exactly what that agency existed for and that all they needed to implement was the assurance that they had students. Twenty, for that matter.

REPRESENTATIVE HARLOW: Thank you, sir. Mr. Coletti, Representative has a question. Representative Grande.

REPRESENTATIVE GRANDE: Is it true then what you're saying - that anyone can start up a business, termite control or pesticide control business without having a license in the handling of these?

MR. COLETTI: Well, up to very recently, that was entirely true. We just simply reached the point where any unemployed gandydancer in or out of the State of Connecticut who needed only \$35.00 to buy a spray can and put an ad on credit in any or all of the telephone books and he was in business. But, the responsibility for examining and licensing the pest control operator, the extermination trades, as you gentlemen no doubt know, was removed from the Department of Agriculture and assigned to and given to Commissioner Lufkin, EPA, with the creation of that particular agency last year. Now, it would be well to know and I'm on record having indicated these facts before and I will leave with you Mr. Chairman, a copy of previous statements that I've made before the similar appropriate Committee. But the original licensing law, in 1964, following the enactment of the 1963 Pesticide Law, I can assure you gentlemen was nothing but a shoein. All 140 applicants were handed a \$4.00 diploma, a blanket license in every separate segment of the trade, with complete reckless abandon this thing - now - it's been subject to widespread public and individual and personal censure and since that time, the Department of Agriculture has indeed boned up on the examining process and the very fact that they did it once, did it the second time, and have since done it a third time and are in the process of doing it again, is clearly indicative of what happened in the first place. So I stress upon this panel the absolute need to institute a requirement in the forthcoming legislation that will call for, not just examining or re-examining those licenses of the trade, but for heaven's sake, providing them all with adequate warning and a provision to prepare themselves to be exposed to such examination. To do anything otherwise, would be entirely inappropriate.

REPRESENTATIVE GRANDE: Thank you, Mr. Coletti.

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MR. COLETTI: I want to leave with you, although you each have copies - I've mailed them to every one of you, a copy of the statement that I have made, together with another copy of the previous statements that I've made and I do beseech you to review them again; lengthy though they are.

REPRESENTATIVE HARLOW: Any further comment or testimony on 1810? If not, we'll move to SB 1822, AN ACT CONCERNING DISEASES OF DOMESTIC ANIMALS. I would note that we have three more Bills on our Agenda for this afternoon. S. B. 1783, then the dredging and cleaning of ale wive cove and the euthanasia Bill. S. B. 1822, does the Commissioner want to testify?

MR. FUTTNER: Pat Futtner, Deputy Commissioner, Department of Agriculture. Mr. Chairman, members of The Environment Committee, I have a brief statement, very brief, concerning Committee Bill 1822, a Bill proposed by the Department of Agriculture, State of Connecticut. AN ACT CONCERNING DISEASES OF DOMESTIC ANIMALS. Each year, there are approximately 15,000 calves vaccinated for brucylosis in this State. This is by Statute. Some are done by private veterinarians; some are done by veterinarians employed by the Department of Agriculture. All calves are vaccinated at State expense. The fee for this work is \$1.00 per vaccination and \$3.00 per call. Total annual cost to the State runs from twenty to twenty five thousand presently. By statute, all calves must be vaccinated. Under present law the option of whether a private veterinarian or a State veterinarian does the vaccination is the choice of the farmer. The clause we refer to in the existing statute states, in parenthesis, whom the owner of such animals may designate and that is the portion of the Bill that we wish to delete. We try to convince the farmers to use the State veterinarians, for after all, we have them in our employ and we are paying for the vaccination. Bill No. 1822 will allow scheduling this work in a businesslike manner. The Bill will result in a considerable saving to the State and a more efficient use of veterinarians, both State and private and I urge the passage of this Bill, signed, John P. McDonald, Commissioner, Department of Agriculture. Are there any questions, gentlemen?

REPRESENTATIVE HARLOW: Thank you, Commissioner. I have one question myself. I wonder from a logistics point of view, whether there is any problem with volume or transportation in terms of having the State take care of the vaccination?

MR. FUTTNER: Transportation.

REPRESENTATIVE HARLOW: Well, going and coming and having adequate staff and so forth and so on.

MR. FUTTNER: Presently, we have adequate staff for the amount of calves that are to be vaccinated, undoubtedly. As a matter of fact, we have more than adequate staff.

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REPRESENTATIVE APTHORP: Commissioner, if we implement this, what do you estimate the dollar saving would be?

MR. FUTTNER: We are presently, as I stated, paying about twenty five to thirty thousand dollars and we furnish the vaccine also so that adds on approximately another \$3500 to \$4000.00. If we can do this, we can see a saving to the State of about \$10,000.00 to \$20,000.00. Now we ask why can't you save \$25,000 to \$30,000.00. You're not asking that. Very good.

REPRESENTATIVE APTHORP: I do ask what we're going to do with the dairymen who have already approached us and said we do not wish to wait for the State vet to come - with our own vet, he is there; we only do it once and we've had experience, we have to wait. I'd like your comments on this.

MR. FUTTNER: Under the Statute as it would exist according to Bill No. 1822, the Commissioner does have the discretion to still hire outside private veterinarians to do the work for the particular farmer if there are extenuating circumstances and I have to accent extenuating circumstances such as the fact and this was brought up before, that perhaps the scheduling work will be such that the State veterinarian may not be able to get there at the appropriate time. In such instances, we will designate a private veterinarian to do it and there is where you get down to the point of why don't you save \$25,000.00 to \$30,000.00. We realize that there are instances where many farmers will ask and receive permission to have their own veterinarians do the work. We are having a problem that is an increasing problem where the veterinarians of the State that they are more and more getting out of the large animal business and into the small animal business. In some instances in the past, we have had trouble getting veterinarians to do this type of work.

REPRESENTATIVE APTHORP; Pat, that was mainly my question was you've got maybe a maximum of sixty days in which to get the calves vaccinated and whether or not you'll be running over the time. Have you made any attempt to negotiate downward the price for the vets if they're going to be vaccinating eight, ten or a dozen at a clip and they're on a farm call anyway?

MR. FUTTNER: I don't know if there are any veterinarians here but in some instances, we have had occasion to believe that this private veterinarian is not charging us what he should. okay? What I'm saying essentially is that perhaps there are occasions when you may have six calves to vaccinate and it could be done in one call and the State winds up paying six calls to do the six calves. We would, if there is any question here and if it came down to the fact that you wanted to insert in the Bill, some sort of a time limit whereby we say to you, all right, if we

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don't get there in a certain time, you are to go out and have your own private veterinarian do it, that would be okay too. We just want to utilize the service that we have available because we are indeed, paying for it. Any other questions?

REPRESENTATIVE TIFFANY: Any other comments on 1822? 1783, APPROPRIATION FOR THE FOR THE PURCHASE OF SEED ESCALLOPS. Any comment on that Bill? The dredging of Alewife Cove. Anyone here to testify on the Alewife Cove Bill? 1773. I guess not. How about the Euthanasia Bill? What's the number on that? 1823. Major Ford.

MAJOR FORD: It's been a long day and we dog people can really stick it out. I'm going to get my bible out here. This is the State Law now on the destruction of animals that are impounded, diseased or injured.

REPRESENTATIVE TIFFANY: Major, could you identify yourself?

MAJOR FORD: I'm George Ford, again, from Farmington. And I'll only read - I'll take this out of context but this is what I'll read. The warden shall deliver such dogs at the place where it is impounded to the agent of said licensed facility or said exempt office or agency. If within said period, any dog is not claimed by or released to the owner or keeper, purchased as a pet or requested by a licensed facility or exempt officer agency, the warden shall caused such dog to be mercifully killed by a licensed veterinarian or disposed of as the State veterinarian may direct. But what has been happening again, the thing that I dwelt on this morning - the law is not being enforced or observed. Consequently, this load is being transferred over to the Connecticut Humane Society. Now, the Connecticut Humane Society was never formed to be a slaughtering outfit. But these towns are shrugging off their responsibility by putting this load onto the Humane Society. Now, as far as euthanasia is concerned, there are many of us in the humane effort, if somebody can come up with a comparable alternative method, I'm for it. If a veterinarian doesn't usually - usually, they give the dog a tranquilizer and then a needle or barbituate and there's as Admiral Shaw can testify, over there at the United States Humane Society, there are certain things about that that are objectionable. And in view of the fact that there is no alternative method on the mass basis, that these dogs have to be destroyed, the euthanasia machine has been proven by the Air Corps for one, to be humane. Therefore, I want to register in opposition to this Bill. There's many from the Humane Society behind me and they can answer your questions. But I just had to register against this Bill and again, I want to impress upon the Legislative body of this administration that we have got to get better services. We've got to get better - the hell with austerity. We've got to get better services from the State Dog Warden and he's got to have the staff to do it. You've got to put people on the payroll to do it and that's my last word on the matter. Thank you very much.

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REPRESENTATIVE HARLOW: Thank you Major. As far as the rest of the testimony in terms of euthanasia, I wonder if we might take the proponents of the Bill first and then those that are negatively inclined. So, will someone step forward for the Bill?

MS. PERRONE: I am Helena Perrone of Somers, Connecticut. I am in favor of this Bill of Representative Fabrizio, in part. It needs broadening, much broadening. Mr. Chairman, Senator Costello, Representative Harlow, members of the Environmental Committee. I will be as brief as possible. I will initially deal with the present law relating to the animals marked for death, Sec. 22-232. The law states in part that the dogs who must die shall be mercifully killed by a licensed veterinarian or disposed of as the State veterinarian directs. This law is wide open and allows all the cruel methods of killing may be used, ranging from poisoning, electrocuting, shooting, paralyzing with drugs, such as curare, where the animal waits in incredible fear until the paralysis reaches the respiratory system and suffocates the creature. Uninjectable drugs being injected. I could go on and on, there's no end. All cruel causing fear and pain. The State veterinarian, under the present very bad law, allows the Connecticut Humane Society of Newington, Connecticut, to kill animals in the decompression chamber also called high altitude chamber or vacuum chamber. The explosive decompression drum causes great fear and stress and excruciating pain before the animal finally dies. The present law is incredibly stupid, since it allows one man to decide where and when and how an animal will be killed. If the State veterinarian shows a preference for one establishment where animals are killed, it follows he is going to direct the bulk of the lucrative and I emphasize lucrative, animal euthanasia to said establishment. That is one example of possible abuse under the present law. Another disgusting abuse is that the State veterinarian allows the use of the decompression chamber in spite of much documentation nationwide by authorities in animal euthanasia condemning this horror as incredibly cruel.

This arrived at after much study. We have provided the Committee with more than enough authoritative documentation which proves beyond any doubt that some Humane Societies and other animal facilities where animals are marked for death in Connecticut are causing great fear, stress and excruciating pain before the animal dies. More documentation is coming to you, the Committee, from authorities. Please do not be hasty when you read this material. This is the second Hearing on this Bill. In 1971 Senator Houley of Vernon, Connecticut introduced a Bill very similar to the present merciful treatment of animals Bill introduced by Representative Audrey Beck. Since the first introduction of this Bill in 1971, to my knowledge the Connecticut Humane Society has been the only opposition to this humane and painless use of barbiturates intravenously, orally or intraabdominally. Here I will remind you that the Connecticut Humane Society is in no way subsidized by the State of Connecticut, since it is a non-taxed, non-profit organization. The State granted them police power and this is the only power a Humane Society should ever enjoy. Still, they had the unmistakable gall to threaten the State with the closing of their doors if the

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injection method of killing animals was adopted as law in 1971. And I am told they are still planning to block this humane legislation with the same empty threat. They are engaged in, as I understand it, consulting with State officials about child abuse cases. This is admirable. Yet, they are still the recipients of money voluntarily contributed to be used exclusively for the humane treatment of animals. We do not consider the decompression chamber humane and consider the Connecticut Humane Society is inhumane for using such a debasing and devastatingly cruel method of killing animals and we mean all animals, including cats, dogs and wildlife brought to them to be killed. All paid for by the dog license fund, private owners and contributions from the public. The Connecticut Humane Society is not the only offender. But they are the only ones and I repeat, the only ones who have opposed the humane injection method by actively working behind the scene to block this legislation. They are fond of relating as they did at the 1971 Hearing, that people who have undergone this decompression experience know a sense of euphoria. I submit to the Committee that these people were not marked for death. Therefore, the pressure was kept at a safe minimum. Not so with animals who are about to die where the maximum pressure causes excruciating pain as evidenced by studies by the American Veterinarian Medical Association and from here on in I will refer to that as AVMA to save time., and other authorities. This is denied by the Connecticut Humane Society since they lay claim for one of the reasons for using the decompression is that the AVMA approves. The Connecticut Humane Society neglected to tell their public in their article Pet Explosion, that in their 1961 study of euthanasia report, the AVMA withheld approval of the decompression - they withheld approval of the decompression method and stated the most humane method was the use of the barbiturates in their summary. In 1969, the AVMA did another survey into methods currently already in use of euthanasia of animals.

In this report they stated the decompression was okay if equipment was of high quality and properly operated but, in the same report, and I emphasize this, the AVMA pointed out the humane value in using barbiturates. Then the AVMA has consistently advocated the use of barbiturates. Then in the 1972 AVMA magazine, March issue - now this is the latest one, in 1972, the AVMA proclaimed that the injection method is still the preferred method. This brings us up to 1973 with the injection method preferred for all the humane reasons considered when taking the life away from a creature. I am a registered nurse and am familiar with the equipment needed to give an injection - syringes and hypodermic needles are inexpensive and come in various sizes. There are two types; glass syringes which can be autoclaved and reused and disposable plastics. The opposition is claiming that they would need all kinds of expensive new equipment if they are forced to dispose of the horrendously cruel decompression chamber. A ridiculously childish argument. Even the drug sodium pentobarbital is inexpensive. It can be purchased at

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\$18.00 to \$20.00 per pound. Dosages are measured in grains, depending on the size and specie to be killed. The Attorney for this Committee has the information as to how the drug may be obtained by a reputable Humane Society. It can be obtained and it can be easily controlled, the same way hospitals control medicines by vigilance and solid regulation. To suggest that the storing of sodium pentobarbital would add to the public drug problem shows a complete lack of faith in the management of the establishment for which the drug is intended. At the 1971 hearing, the speculation that syringes and needles would add to the drug problem does not make any sense. One does not need a syringe and needle to get a fix. A broken eye dropper, a piece of wire - anything that would open a vein can be and is used to shoot a drug. Sodium pentobarbital is not a narcotic. It needs controlling and if the Connecticut Humane Society does not know how to control a drug, I suggest you contact your humane sisters, the Massachusetts SPCA or the Humane Society of the United States, both of whom use the humane but barbiturate method.

Following - I'm almost through - following publication of the AVMA Study of a report of animal euthanasia, conducted in 1961 and published in 1963, many Humane Societies, large and small, the world over, disposed of decompression chambers and started using the humane barbiturate method. Some Societies continued to use decompression and misled the public into thinking it was humane until now. Why do they use the cruel decompression? Why do they soil their image so that contributions decrease and will continue to decrease until they use the humane barbiturate method to kill the animals brought to them? More of their sick reasons go like this. We cannot afford the high veterinary fees. Perhaps. But they can afford to have competent people trained by a veterinarian to euthanize. This is all that is required. Another of their reasons is some trained people could not administer the drug intravenously since some veins are old or collapsed. Then give the drug by mouth. Or if the animal is comatose into the abdominal cavity. Another reason they give is some animals are hard to handle. Then give the animal a tranquilizer before administering lethal overdose of barbiturate. The Connecticut Humane Society has not to date, given us one solid reason for their use of the cruel decompression drum.

If veterinarians killed animals brought to them for euthanization, using any one of the cruel methods known by the public, I can guarantee they would not enjoy a lucrative practice. If any veterinarian is known to use the hideous decompression chamber, I can assure you people would find another vet. If the Committee plans to use Representative Frabizio's Bill, I strongly urge that the Bill needs broadening. We want the abolishment of all the cruel methods in this State, including the decompression chamber and the barbiturate method to be used. These things must be mentioned in any Bill that is raised. If Committee plans to use Representative Audrey Beck's Merciful Treatment of Animals Bill, I urge you to please allow Mrs. Betty Long of Westport and me, Helena Perrone

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of Somers, Connecticut, to work with you in the wording of this Bill. Also, to make it broader. Whichever way the pendulum swings, we beg you to give us some very solid reasons not as nebulous a reason as we have heard in the past. This proposed law would work and would benefit man and animal for whom we, as the reasoning form of life are directly responsible. Thank you for the privilege of this public Hearing. You are showing insight when you grant such a Hearing.

REPRESENTATIVE HARLOW: Thank you.

REPRESENTATIVE APTHORP: I have some questions of the previous speaker if she will return to the Chair please. On any documentation that you have supplied us, I have noticed that it's undated and we do not have the references. I ask that in the documentation that you turn into us, that you cite specifically where it came from and the references and the dates of issue because many of the things we have we have no way of tracking down where it came from.

MS. PERRONE: I see. I think I know what you're referring to.

REPRESENTATIVE APTHORP: And also, have you seen the machine in operation?

MS. PERRONE: No. No. And I wasn't at those concentration camps either. I didn't have to be there to prove that they were cruel.

REPRESENTATIVE APTHORP: You have used the term explosive decompression. Are you indicating, do you have evidence that what the Humane Society is using is explosive decompression?

MS. PERRONE: Absolutely.

REPRESENTATIVE APTHORP: I'd ask that you submit it then.

MS. PERRONE: You are going to be hearing testimony on that right now. It will be describing explosive decompression in detail.

REPRESENTATIVE HARLOW: Any other Committee questions? Thank you.

MS. MECHLER: My name is Mona Mechler. I am from Westport, Connecticut. I would like to read a statement that was written by Phyllis Wright, Executive Director of the National Humane Education Center in Waterford, Virginia. I have been involved in the humane killing of surplus animals including young, newborn, healthy, sick, old and injured animals since 1959. During these years, I have personally euthanized over 70,000 dogs and cats, plus miscellaneous animals such as turtles, pigeons, dogs, monkeys and any other surplus animal that comes into an animal facility. I have observed the use of various methods used in County Dog Pounds, Animal Shelters, Humane Societies and Veterinary Hospitals. Since my travelling with the Humane Society of the United States, I have observed euthanasia in ten States and many more counties. Countries, I'm sorry. When I arrived at the Washington Animal Rescue League in 1959,

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they had a euthanair installed two years previously. They were extremely cautious with the use of the machine and with the mechanical condition of the machine. However, it was still normal for one third of the animals not to die in the machine the first time the machine was run. It had become standard practice to rerun the machine two, three or four times. However, even with these precautions the first morning I opened the dead box a small kitten about three weeks old crawled out of the can and met me. When I checked with the employees I found that this happened frequently. That is why they were always kept overnight before they were disposed of. It only took a few phone calls and a board member's observation of the use of the machine to have it not only discontinued but completely removed from the premises. If the machine was used under the humane directions that are advocated in the loading of the machine, mathematically it would be impossible to euthanize more than fifteen animals in an hour. Put four compatible animals in a basket together, machine run two minutes, hold for ten minutes, remove bodies, clean chamber three to five minutes. Reload two to three minutes and run new load. Of course, the obvious happens. The animals are routinely overcrowded and the basket and or chamber is not cleaned between loads of animals. I have observed as many as fifteen dogs in a euthanair basket waiting to be killed. I have pictures of two of these basket loads. When I spoke to the supervisors of the animal facility, they immediately said you know when can't run the machine eighteen hours a day. We have only five hours to get this work done. There are other things in the animal shelter or animal facility to do. When the animals are removed from the chamber, it is standard observation on my part that there has been urination, defecation and blood from at least half of the animals. I have witnessed this at least fifty times. Since the dog and cat sense of smell is more acute than that of humans, the apprehension and the fear from the odor when he is put into the chamber in itself, is a stressful factor. I have observed chambers from two months to seven years of use and even if the machine is cleaned between loads, the metal absorbs the heavy odors of urine, blood and fecal matter as well as body gasses. In all of the animals that I have observed in the euthanair, I have never seen one load of animals come out of the basket that some of the animals have not defecated, urinated or had a bloody discharge. I have seen the rectum prolapsed as well as the bloody discharge from the nose, from the mouth and from the ears. Whether or not this occurs after the animal is unconscious is not the point. The point is that this occurs and the odor and the stress factor remain and this is one of the serious objections to the use of a high altitude chamber. In Los Angeles, even though they had three baskets and interchanged them, the machine, when the door was open, still had the smell of the urine and the fecal and the blood and the heavy smell of death. It has been advocated that one can handle more animals with two tanks. I have seen both the small tank and the large tank used for young, six week old to six month old puppies and kittens. The small tank, of course, is mandatory to be used on any infant animals under three weeks of age and it is imperative that this be observed

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very carefully. However, the same problem of not dying occurs and the rerunning of the machine is necessary. It has been observed by me in four different places where the machine, when it is opened, after the holding period of twenty minutes, the animals still came back to life. Prince George County, Maryland, has used an euthanair for over fifteen years but in April, 1971, it was observed by two veterinarians and was made obsolete. The veterinarians trained two of the top men in the shelter who now do the euthanasia with an injection of sodium pentobarbital. The men find it faster and cleaner and less distasteful to themselves. Any research that does not include field testing and autopsies from animals from animal shelters or dog pounds, I find inconclusive. We are not concerned with the equipment that aerospace has or any other Government installation. We are very concerned with the euthanair machine that is being used daily in animal facilities and the old, sick, injured and young animals that must be put into a stressful situation before death and may have death prolonged by fifteen to twenty to thirty minutes because of human or mechanical failure.

Speaking for myself, two years ago, before I became involved in the humane movement, I took a wild kitten to the Connecticut Humane Society. I had borrowed a trap from them so that I could also capture the mother. When I took the kitten in, I had to wait for the trap. I did not even know at that time that Connecticut Humane used what I heard then was a chamber. I needed the trap back in order to capture the mother cat and I stood there for forty five minutes waiting for that trap. Apparently they had put the cat in the trap in the machine. I said to the man I thought you said it took only thirty seconds or whatever it is and he said - well, what do you think lady. We have to wait 'til the animal is dead. This is - Connecticut Humane Society does not tell people when they come in there with these puppies and kittens that they are not going to get homes, most of them. Oh yes, we will get them a good home. I am opposed to the use of the euthanair. I feel that it is a very painful way for an animal to die. Thank you very much.

REPRESENTATIVE HARLOW: Mrs. Mechler, is the euthanair machine, is that the trade name or is it just one company that manufactures that machine or is that just the type of machine that is available.

MS. MECHLER: Trade name.

REPRESENTATIVE HARLOW: A trade name. What is your profession in terms of this industry? Are you just a volunteer?

MS. MECHLER: I am a volunteer. I have been working for the past two years in the schools, teaching humane attitude and humane ethics to Junior High and High School students. We use, very often, Albert Schweitzer's Reverance for Life and when it must be destroyed as it must be, due to our considerations, rather than the animal's, I feel that it should be done humanely and if there is a more humane method, why isn't it being used?

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REPRESENTATIVE HARLOW: Let me rephrase that question and direct it to you. Why do you think it's not being used?

MS. MECHLER: I believe that Connecticut's Humane has made the original - well this is my own personal opinion, that they have made the original investment in the machine and just simply do not want to change it.

REPRESENTATIVE HARLOW: Do you think it's a question of profit or policy or policy and profit?

MS. MECHLER: Well, let me just say this. I'm not really sure how to answer that. At the end of my waiting the forty five minutes for the kitten, I was told by the young man at the Connecticut Humane Society - we usually get five dollars for this and I gave it to him.

REPRESENTATIVE HARLOW: Thank you. Are there any other questions from the Committee?

MS. KENT: My name is Peggy Ann Kent and I'm from Chester.

REPRESENTATIVE HARLOW: Mrs. Kent, would you pull the microphone a bit closer please, just so we can hear you? Thank you.

MS. KENT: I am speaking for Pet Animal Welfare and Volunteers for Animals which Mrs. Karl Mobourn and I formed to further aid help to animals and we also received an award from HSUS. I was one of the largest fund raisers in New York for AFCCA. I resigned when I had heard and then went to see of the inhumane disposition of animals - the same machine, I didn't know the name of it. It was accidently that Mrs. Mobourn and I witnessed the death of the animals in the decompression chamber at Connecticut Humane one afternoon. They did not want people to come in but we used to go in the back door often. It is a scene that would revolt the most hard-hearted persons. Dogs and cats mixed. I guess fifteen to twenty, fighting, bleeding, vomiting, defacating, urinating and frightened to death. Not only the mixture, but the noise of the machine. After Mrs. Mobourn and I witnessed this, they would not allow us in again. To dogs that are dying are thrown in or cats that are dying, thrown in with other animals to suffer further. Any person working with animals who knows the only way to euthanize them is with pentathol. It is inexpensive quick, humane. And any town and certainly Connecticut Humane can afford this. They are a very wealthy organization which everybody knows. And I am not talking as a crackpot. I have twenty dogs. I worked in animal work for I guess twenty years now. Eleven are adopted, mixed breeds and I have my own pure bred dogs that I show so this is my opinion.

REPRESENTATIVE HARLOW: Thank you. Let me ask you the same question I asked Mrs. Mechler. Why do you think the CHS is unresponsive?

MS. KENT: Beg your pardon?

REPRESENTATIVE HARLOW: Why do you think the Connecticut Humane Society is

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unresponsive?

MS. KENT: Because they don't use it properly and animals suffer. As the young lady before said, they should be used - if they're going to use this chamber, they should use it properly. But still, sodium pentothol is the quickest. When my dogs have had to be euthanized and I've held some in my arms when they had to be put to sleep which is always a difficult decision. Just a couple of seconds and the dogs are out of their suffering.

REPRESENTATIVE HARLOW: Are there any other questions from the Committee? Thank you very much.

MS. LONG: My name is Mrs. Harry J. Long. I'm from Westport, Connecticut. I have worked as a volunteer with many Humane Societies for the last twenty years. Some have been good. Some have not been so very good. The Massachusetts SPCA which is probably the finest society in this United States and certainly has a fine reputation, never euthanizes any animal except with the injection method. I have a letter from their president and I have several letters from their president. I have an editorial from their magazine saying they never use anything else but that. Mr. Claflin says anyone that has ever seen both methods and he cites the American Humane Association who condone this machine and he said anyone who has ever seen both methods could never condone the use of the euthanair machine. I have seen it work in Connecticut. I have seen it work in St. Louis. I have seen it work in New York. I still have nightmares. It's the most horrible experience for these poor animals that you can ever imagine. The machine that withdraws the oxygen is very noisy. I hope to God the lucky ones die of fright before the actual withdrawal of the oxygen. In Oakland, California, well, let's say Boston. It's a big city. There's no city in Connecticut as big. If they can inject every animal that comes in there, why can't Connecticut? We haven't got the population in any town that we have here. Oakland, California, where they euthanize 35,000 dogs in a year refuses to use the machine. They only use the injection method. In St. Louis, a very poor society bought a euthanair. They paid \$5,000.00 for it. It costs \$3,000 to install. They used it for a very short time and they decided - we're a humane society. We can't use this torture chamber. They actually threw it out and believe me, they are not a wealthy society. It's the St. Louis County Animal Protective Association. I have worked there as a volunteer. I worked at the ASPCA in New York. That has been on the front page of the New York Times many times, about the inhumane destruction of animals in that euthanair. We're talking about costs. The ones that I know of in the Connecticut Society must have been there at least ten years now. Surely those have been amortized by this time, down to almost nothing. I stopped at our veterinarian to ask him on cost, for injections. He showed me a bottle of euthal, which is sodium pentobarbital plus a couple of other things that he uses for euthanasia. He showed me a little bottle, 250 cc's. For this, he paid \$6.50. He told me he can euthanize thirty to fifty dogs weighing up to 50 lbs. with that one little bottle. He can euthanize two hundred and fifty cats

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with the same little bottle. He can euthanize seventy to eighty small dogs with the same little bottle of euthal. You buy it from the Haver Lockhart Laboratories. So it's easy to get. It's true veterinarians must have a Federal number in order to get it. Down in Westport, we have veterinarians that go into the Humane Society Shelter to inoculate puppies. I worked there for ten years as an unwelcomed volunteer. I was there for one year that they knew of then I got a letter from the President - no more volunteers. Well, they happened to fire that man that was at the head of it that I complained against so bitterly because he did wind up finally in Fairfield Hills as a - So they hired a man from Boston, a known alcoholic. He called me up and he said why don't you come over and work? I was there at 8:00 in the morning, cleaning kennels, feeding dogs, adopting out dogs, running ads in the paper, meeting people to see that dogs got homes. Some people would bring in a poor old dog that they didn't want anymore and I'd say for God's sake don't leave it here. In the beginning, they had a gas chamber. This is another horror. I'd say for God's sake, don't leave it here. You're going to pass this vet, that vet, the other vet on your way home. Take it to a veterinarian for an instant, humane death. Oh and here now. I'd say okay, put it in that blue station wagon out in the parking lot. I'll run it up to Dr. Burke at the end of the day. Now the veterinarians do go into the Shelter three times a week to inoculate puppies with the little puppy shot. Before they did that, those poor little puppies used to die like flies because they would come in with distemper. It's an airborne disease. The minute they spew these germs all over the place - they're viruses - these little puppies would get it. We'd get many of them back with runny noses, runny eyes, sneezing, practically dead. It's very difficult to pull a dog through distemper, especially a young one.

Now, they do go in there three times a week to inoculate these animals. The vets are there anyway. They're not that many animals that they could not inoculate with sodium pentobarbital while they're there. As you see, it is a very cheap method. You must have a Federal number in order to buy it. But the vets are there anyhow. I have letters from four vets that happen to go into the Connecticut Humane Society in Westport saying they do not approve of that euthanair machine. Now, if they don't approve of it, let them inject them while they're there. No big deal. Where's the big problem? There are many, many, many societies where they have used the euthanair and have decided that they would throw it out. Now, Mr. Ford said, and it's true, that the law says that the unclaimed animals are to be euthanized by a veterinarian. Some vets are holding up these towns therefore, I understand they turn them over to Connecticut Humane to be euthanized. However, I'd like to go on record around Fairfield County, I can name the Dog Wardens and the veterinarians that they use. I do not know of any one around - there may be Easton and I think they've stopped. But most of the towns around us, especially the big towns, do abide by the law and they do take the dogs to the vet for an injection. It's the only really humane way. Now, in 1963, there was a panel of vets to study euthanasia, as you all know, selected by the American Veterinarian Association. That panel thoroughly condemned the euthanasian method. They said until further studies were made, they

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would withhold recommending it. Dr. Ott was one of those and yet, in August of 1971, he said that the machine results in violent rupture of blood vessels in the brain, febrile hemorrhage. It's apt to be very apprehensive of death, unnecessarily painful. He was on the 1963 panel. He still says I withhold all - he will not recommend it. Now very often at these meetings, they'll bring a lovely Army pilot with his nice uniform and everything. He will tell you that in his training, they take them up to - they put them in a machine that simulates altitude. Don't forget, this is human life. These are carefully monitored. They are not taken up quickly, which causes so much trouble. They're taken up slowly, anything happens the doctors are right there to take care of them. This is great. They should do that. However, Dr. Lombard and Dr. Young who helped make this euthanair machine - that's only a trade name for one of them manufactured in California. They said they did not aim at what would happen to the animal. All they were interested in was the speed with which they could kill the animal. It's quite different. If you take them up too quickly, your body or a body cannot adjust to this rarified atmosphere. When they take the pilots up, it's done more gradually and more slowly. If they don't happen to die in this thing and they come alive again, which does happen, then that is when they run into the bends and all this trouble. The 1963 panel says hemorrhages were found in the heart, the intestine, the stomach, liver, spleen, kidneys and brain in dogs. Also hemorrhages in the middle ear and the inner ear. Death does not appear from lack of oxygen. Animals usually defecate, urinate and vomit. Gas trapped in any part of the body while it's in this rarified atmosphere will expand and cause organ displacement. This is Robert Smith, Ohio State University talked in July of '71, School of Veterinarian Medicine at Ohio U. A report in the AHA to go along with the euthanair machine, I have that documentation right here on page 197, while they recommend it - do they recommend it because a full page ad is bought in every monthly issue of their publication? Could be. The 1963 - the AHA report who says this is all right - even the 1969 Report of the American Humane Association, which completely endorses the decompression chamber, stressed the importance of limiting simulated altitude. Now if that gauge isn't working just properly, it can go all the way up. The altitude should be 53,400 - 53,000 to 54,000 feet because expansion of abdominal gas and water vapor could become a factor at altitudes of 60,000 feet or higher, causing esthetic changes appearing unfavorable to the observer and serving no humane purpose. Now, the experts in '62 did not recommend the machine and in 1972, the last panel did recommend it. There are seven other experts. Experts can make mistakes and have difference of opinion just like anybody else. One of these vets happened to be Dr. Fox, from St. Louis Washington University. Just to be sure, we wrote Dr. Fox and asked him - we said our society, because of the great volume, we'd never use the machine, that's for sure. We just wanted to get his opinion. Due to this report of the American Veterinarian Association, we were most interested in knowing about buying a euthanair. It seems there is much controversy about its use, especially at the panel in 1962, as it voiced its disapproval. Has the machine changed any since the last report? As a former St. Louisan, I know that the Missouri Humane Society uses this chamber. Have you seen it in operation there? What is

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your opinion of it? Does the Washington U Medical School use the chamber for animals that are to be sacrificed? Then we said so far we'd only used the veterinarian. His reply was, as far as I know, decompression chambers haven't changed since 1962. I hope soon, that they will no longer be necessary; that the day may come when nationwide spay and gastration clinics are set up doing such operations at a reduced speed. Considering the pet pollution overpopulation problems in both rural and urban areas, perhaps all pets should be sterilized unless a breeder's permit is given. He did not answer our questions - did he see the ones at Missouri Humane. Unfortunately, I happen to have seen those too. All you have to do is see it once and you'll never want to see it again.

One of the reports in this book, which I think you all have; this was a big survey made by Nielsen and Green. One veterinarian in that said he saw it once; he hoped to never see it again. I have held old dying animals and some not dying, in my arms while a doctor has given them the final injection. On a very old animal, a vein can collapse. It is a little difficult to get the vein. It's the vein right here. Many layman cannot always get a vein but any layman can use the peritnium - the body cavity. It might take a minute. When they get the vein, your animal drops in your arms just like that. There is no sigh, no gasp, no urination - no anything. They drop so fast you can't believe it. I've had three dogs die of cancer. The last thing I could do, humanely, for them was spare them a few more days of suffering. And I held them right in my arms. Other old animals that I've picked up off the street, pregnant, where they'd never get through giving birth or anything like that, I've taken right into my vet for humane euthanasia. He couldn't always find the vein. They'll collapse on emaciated or old animals, so he would put it in the peritoneum. This could take a minute. The animal doesn't even cry out when they put the needle in or very seldom do they and then they just gradually, drosily, get sleepier and sleepier and they just fall over dead. I mean, you can also use a capsule - put it in a little meatball. This is sodium pentobarbitol. This is what Marilyn Miller took. This is what - no it wasn't uthal, it was nebutol. And if you use that with alcohol there's a chemical reaction. It's very, very deadly. That's what what's her name, the commentator, she did the same thing. She'd been drinking - Kilgallen. She took a few too many of these pills and you just go out like that. This uthal that Dr. Greenberg in Meriden uses, he's one of our veterinarians, it has some alcohol in it. It's very instantaneous. I asked him - do you ever use this for an operation as anesthesia and he said no, it's much too fast and much too lethal. However, you can use pure sodium pentobarbitol. And this is what veterinarians use. Honestly, I don't want to take all of your time. Dr. Ott, who was on the 1963 panel, states that the older machines backfire, the pumps - the backfiring of the pumps cause pain, panic in the animal. If the gaskets which seal the door s need replacing or pump not working properly, leakage occurs

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resulting in painful revival of unconscious animals. They will come to. They suffer from the bends when that nitrogen bubble form in the blood, fouling recompression, causing severe pain. Expanding gases reapture pulmonary veins and drive air into the vessels causing pain and vomiting. As one editorial says, why haggle over the possibility the chamber might be inhumane when a very humane method is readily available. It is the opinion of this newspaper that any method of questionable reliability should be eliminated in favor of one of the positive advantages. These poor helpless creatures came into a world where there was no place for them. We could at least make their demise as painful and as humanely possible. Another thing I might say help turnover in shelters is very, very great. Too many people can't take this very long. It does have a way of also callousing the people that see this type of thing. They get so callous they really get to the point where it just doesn't mean anything. These poor things are hardly living creatures to them anymore. It's a demoralizing factor on people that have to see this and very few of them stay very long. I think the Connecticut Humane could tell you what their turnover is in help.

Now, the panel in 1972, keeps stressing if the machine is proper, if it is properly maintained, if a skilled person operates it. These people that are hired in shelters are far from skilled and the machine - I hope they take better care of it than they do the old gas chamber which would konk out all of the time. I had a key to the Westport Shelter which was given to me by one of the directors. After I could not work there any longer, I would often go in at night and take a good look and believe me, into the death room, I didn't like what I saw. I didn't like all the blood on the floor, all the tissue on the floor. This meant that the animals were really having a pretty rough time. And don't ask me what it smelled like but it sure didn't smell like Chanel #5. Thank you all very much.

REPRESENTATIVE HARLOW: Thank you very much. Are there any questions from the Committee?

MS. LONG: Any documentation you want, I've got names, dates, everything you'd like to have right here.

REPRESENTATIVE YACAVONE: Representative Yacavone from East Hartford. Do you have any information on how long some of the states such as Massachusetts have had this?

MS. LONG: No, but I could find out very quickly and very easily.

REPRESENTATIVE YACAVONE: I didn't know that the neighboring states did use this method. I'd be interested in knowing something about it.

MS. LONG: Yes, I have the letters from the presidents. They're a very humane - they're a terrific outfit up there. Their image is perfect.

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REPRESENTATIVE YACAVONE: Well, I'd like material. I think the Committee could certainly use it.

MS. LONG: Would you like copies of the letters of the presidents? I can find out from them. I talk with them frequently.

REPRESENTATIVE HARLOW: Thank you Mrs. Long. Are there any other proponents of the Bill? Those opposed?

MR. ROBINSON: My name is Henry Robinson. I am the President of the Connecticut Humane Society and I guess I'm the fellow that wrote the letter to Mrs. Long so I take responsibility for that. I'm not an expert. I'm a lay person and not a veterinarian. We have some people here who will talk. I would just like to say that I think the issue apparently is getting a little far afield here. It's strictly as to whether this method is a humane method of disposing of large quantities of animals. It's not a question of whether the barbituate method is also a good method. I have no qualms. I'm sure our experts will say it's a perfectly humane method. On the other hand, it requires certainly supervision by a veterinarian and veterinarians - they don't enjoy killing large quantities of animals and I'm not sure what kind of a veterinarian you get to operate a semi sort of a slaughter house. If they operate their own clinics and somebody and about I don't know how many animals they see a day, but maybe one or two of them are brought in to be killed, they can live with that sort of a thing. I would think it would be very hard to get qualified people to do this. We have five of these machines. Well I'm sorry, this is the one I'm talking into. We have five of these installations, Westport, Stamford, Newington, New Haven and a new one out in the Waterford area. I'm not going to talk about how they operate. We have somebody here that knows how. Unlike the first lady here, I have seen it. I saw it operate this morning I might say and I saw no signs of distress whatever. This animal was down and out in thirty seconds and it was quite a good sized animal. And there is a light on inside. It doesn't feel caged or anything else. I personally went down and saw it. The machine seemed to operate. I presume the men, when I said I wanted to come and see it, I presume that they wanted to make sure it operated, obviously and I personally have always had dogs and cats and I would not hesitate putting a dog of mine in this machine after the way I saw it operate this morning. I would like to state a couple of things. We do not get any dog license money. When we do this service for towns and we do it for approximately fifty towns in the State, I'm told that we charge \$2.50. For individuals we charge nothing but obviously ask for a donation. Some give and some don't. These machines are used in fifty states by most Humane Societies. There was some talk about the New York one and I have somewhere here, oh I guess it's at the back of those - oh, here they are - some recent quotations from the New York Times regarding the ASPCA in New York

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City and I've put in red around this paragraph. The furor over the Society's method of destroying dogs in decompression chambers has somewhat abated with the grudging acknowledgment that this is probably the most humane and efficient way to handle the formidable numbers of these animals and the numbers are formidable, ladies and gentlemen, in the State of Connecticut as well as in New York. In the letter which I have put in front of you and which I have enough copies for all members of this Committee, I refer to a letter from Dr. Stadler who is the State Veterinarian approving the method. There's a thing from the American Veterinarian Association, there's a thing from the American Humane Association regarding these pilots and I admit an error there. I said it was an Air Force pilot and I looked at it when I was up here and it said Commander so and so and I knew damned well he couldn't be an Air Force pilot. So he's a Naval Pilot, so that's an error.

The Connecticut Veterinarian Association I believe, through Michael Schatz, has written a letter to your Chairman stating its opposition to this Bill. The New York Times thing I've given you. No Society such as ours and I've been connected with this particular one and some of the remarks that were made here were directed more at other operations of this Society and I'm not going to defend those because that's not the issue here today. It's always made up of people and people can make mistakes. We do have a big volume of this business. We don't like it. We wish we didn't have to destroy any of these animals. But there are some animals that you just cannot place and anybody that's been in this business knows that and we like this method. We think it's correct. The other methods have all sorts - are fraught with other dangers which our people will talk to you about. I do have here with me, Mr. Arthur Amondson who is from the American Humane Association and was formerly with the ASCPA in New York and is very familiar with the operation of these machines and he would say a few words with you and then there is Dr. Robert L. Hummer of the American Humane Association and he is technically, he's from San Antonio, Texas and he is technically very knowledgeable about these machines - was a Colonel in the Air Force and is a veterinarian of great distinction and he has been taking notes and I talked to him earlier and I have great, very regard that he will tell you some technical things that I'm obviously not in a position of telling.

REPRESENTATIVE HARLOW: Sir, how long have you been President of the CHA?

MR. ROBINSON: I knew somebody was going to ask me that and I've - '47 gee whiz.

REPRESENTATIVE HARLOW: You are a non-profit - what they call 501c 3 or charitable organization?

MR. ROBINSON: We are a publicly supported - yes, we have the best letter

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that you can get from the IRA. The one that says you're not a private foundation.

REPRESENTATIVE HARLOW: Okay. Do you - what's your annual budget. Can you tell me what your annual budget is?

MR. ROBINSON: Yes. Roughly \$400,000.

REPRESENTATIVE HARLOW: \$400,000.00? Is the general manager paid? How many people volunteer their services here and how many are paid in terms of the Society?

MR. ROBINSON: They are all paid.

REPRESENTATIVE HARLOW: Can you tell me what the General Manager's salary is?

MR. ROBINSON: If he doesn't mind. \$14,500.

REPRESENTATIVE HARLOW: How about the salaries for the rest of the people? Are they higher or lower than that?

MR. ROBINSON: A little bit lower than that. A lot of our people are husband and wife people, quite a lot of them are that.

REPRESENTATIVE HARLOW: You do use volunteers.

MR. ROBINSON: We do not.

REPRESENTATIVE HARLOW: You do not?

MR. ROBINSON: No, we had very bad experience with volunteers. And I go on a theory you get what you pay for in this world.

REPRESENTATIVE HARLOW: Can you give me any idea what percentage of animals you've placed as opposed to putting away?

MR. ROBINSON: Twenty five percent? This is Mr. Helberg, our animal man. I hadn't planned to put him on but he's here available if anybody wants to know.

REPRESENTATIVE HARLOW: Any idea how many animals you handle per year?

MR. ROBINSON: Yep. Probably 80,000, including recently, a bunch of fighting cocks that we picked up.

REPRESENTATIVE HARLOW: Do you think in view of the fact that you handle 80,000 - is there any particular reason or need or justification or validation for speed and efficiency as a method of disposal as opposed to something that's less efficient, slower, less costly?

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MR. ROBINSON: I'm afraid I'm not competent to answer that really. I think that with the volume and it is big and this is a speedy - It's speedy, I'll tell you that. This animal was kaput and it didn't bark. It didn't do a darned thing it just rolled over and this doctor will tell you the process of it. I'm not competent to tell you what happens to the animal. He will tell you that.

REPRESENTATIVE HARLOW: If I might, I'd like to ask you one more pointed question. Why do you feel that there is such emotional, if I may term it as such, animosity towards your organization in terms of its method when considering the testimony today?

MR. ROBINSON: Well, I suppose it was the same in New York too. It's the same where these machines are used. I have noticed in my experience, that most of the people that criticize us do come from the Westport and down that area. I have no - I have theories on it but I'm not going to say why. I think for a while, we weren't quite up to snuff down in that area and I think we've now come up to snuff and I think there are other reasons. This is where the great bulk of our - what criticism - I used to keep a file, you know everybody keeps a file of grip mail and that sort of stuff. It's toned down a lot recently and, in fact I get very little grip mail now. Practically no grip mail and whether that means we're doing better or - I don't know. I don't know why people write me letters.

REPRESENTATIVE HARLOW: Would you agree that the alternate method that's been illustrated here or discussed here, the so-called injection method is less painful and less costly than the euthanair method, if I may describe it as such?

MR. ROBINSON: I wouldn't agree. I'm not competent to agree about the painfulness or the expense of it. Well, for one thing, you have to have bets at all these places and you're probably talking another \$100,000 there, for us and I just don't think vets are going to want to spend their life killing animals. So then you end up with semi-untrained people and if they don't find the vein, as one of these ladies said, that's poor and then they stick them in the chest and this doctor will tell you what does to them. And, we just think this is the best method. It's the best method for an operation like us to have. Now, a veterinarian who is willing to charge \$10.00 or \$15.00 to put your pet to sleep, well you've got to have somebody to hold the pet. You have to have two people and the State veterinarian - the pet State veterinarian, the Veterinarian Medical Association of the State has written you opposing this Bill. I assume they are competent. I have to take their word on that sort of thing and I am not. I'm a lawyer. I really don't know.

REPRESENTATIVE HARLOW: I'd like to thank you for your willingness and your attempt to answer the questions. Are there any more - Representative? Senator Costello.

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SENATOR COSTELLO: Mr. Robinson, I'd like to ask if you're aware if any State in the union has abolished the use of this machine?

MR. ROBINSON: To my knowledge, none and I'm pretty sure my people will - this Dr. Hummer would be able to answer that question. The answer is no. They took a swipe at it, I believe, in California and lost and I think they've been swiping at it in New York and have lost.

SENATOR COSTELLO: Are you aware that there might be under development some new system or technology of more rapid disposal of animals that might improve on the present system?

MR. ROBINSON: If there were, we'd love to have it and again, I'd have to refer to Dr. Hummer on that area or any other - we deal with vets in this State all the time. We deal with them a lot. They take a lot of our animals and we have, I think, very, very good relations with the veterinarian association and the fact that they wrote in opposing this Bill and you do have the letter - the Chairman has it anyway.

REPRESENTATIVE HARLOW: Yes, we do.

MR. ROBINSON: I think is - just cuts an awful - to me, would cut an awful lot of ice. This is their business. Their business is animals and it's our business too. They like us and we like them.

SENATOR COSTELLO: Would it be fair to say that the machine is really crammed full of animals that complications, in fact, do develop and the process is slower.

MR. ROBINSON: I certainly would think it would be and we don't cram them. Now whether Mrs. Long - she might have come in there once and one guy was leaving late - you know, we're all human but certainly our rules are that you don't cram them.

SENATOR COSTELLO: Do you have specific rules concerning the number of animals at any one time in the machine?

MR. ROBINSON: Yes, we do.

SENATOR COSTELLO: Could you tell us what those rules are?

MR. ROBINSON: No. But Mr. Helberg could.

SENATOR COSTELLO: Someone else here today can answer that question? All right. Thank you very much.

REPRESENTATIVE HARLOW: Representative Osiecki.

REPRESENTATIVE OSIECKI: Representative Osiecki, Danbury. I'd like to ask you some questions about your Society, if you don't mind.

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MR. ROBINSON: Well, I don't know whether - well, I'd be glad to. I mean I always like to get people interested in it but I don't know as this is the place to do that. It's up to these gentlemen.

REPRESENTATIVE OSTECKI: But your Society is what is being attacked.

MR. ROBINSON: No it isn't. It has nothing to do with the Society. This Bill has to do with a method of disposing of animals. Oh sure, the Society's been attacked. We're used - as I say, I'm used to that. But, I don't think that's - I don't want to take the opportunity here to make a big pitch for the Connecticut Humane Society. I'd love to but I don't know as that's what you gentlemen want to hear. If you'd like -

REPRESENTATIVE OSIECKI: I am also a member of this Committee. I would like to ask you if you have a membership. Could you give me an idea of the membership of the Society?

MR. ROBINSON: You mean the people that contribute?

REPRESENTATIVE OSIECKI: Yes.

MR. ROBINSON: Golly. 5,000 - 10,000, something like that.

REPRESENTATIVE OSIECKI: Have they complained about this method of disposal?

MR. ROBINSON: Not to me. Not to me.

REPRESENTATIVE OSIECKI: Thank you.

MR. ROBINSON: And they know they - people in this - people, as I think you probably can see by the ladies that preceded me here, people are vocal in this area and they pick up pens and they write letters. I've never turned down anybody that wanted to come and see me and Mrs. Long will have to admit that.

REPRESENTATIVE APTHORP: Mr. Robinson, I head the Sub-Committee for animals. If we chose, would you allow us to go see the operation of the -

MR. ROBINSON: I was just going to suggest that and I had it down here in my notes that any one or more of this Committee is more than welcome to come down. Newington's the closest. On the other hand, you all live - well, there's one in New Haven, there is one in Westport, there is one in Stamford and there's one - a new one over in Waterford, which is near New London. Obviously, yes, we would welcome it. Of course, we would.

REPRESENTATIVE APTHORP: Would you tell your Humane Society, the five, that at some time in the near future, that a group of us will visit and to be sure it isn't a stage performance. Would you tell all of them? And I will go completely at random with a group and see it, so there can be

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no idea we're going to walk in - what day, what time , what place.

MR. ROBINSON: If we can't face that kind of thing - I mean this is our business.

REPRESENTATIVE APTHORP: Thank you, sir.

MR. ROBINSON: Righto.

REPRESENTATIVE HARLOW: Mr. Robinson, you mentioned earlier that you witnessed a demonstration or an actual use of the machine today, when was the time prior to that that you had witnessed it?

MR. ROBINSON: None.

REPRESENTATIVE HARLOW: You had never seen a demonstration prior to today?

MR. ROBINSON: No.

REPRESENTATIVE HARLOW: Despite the fact that you've been President since 1947?

MR. ROBINSON: That's right.

REPRESENTATIVE HARLOW: Any other questions from the Committee? I'd like to thank you, sir. I think you've been very cooperative.

MR. AMONDSO: Mr. Chairman, Members of the Committee, can you hear me?

REPRESENTATIVE HARLOW: Yes, we can sir.

MR. AMONDSO: My name is Arthur Amondson. I am Director of the American Humane Association's Eastern Office located in New York City with headquarters in Denver, Colorado. I retired two years ago from the ASPCA, that is the American Society for the Prevention of Cruelty to Animals in New York City, where I was employed for thirty five years, actually thirty eight but they gave me credit for thirty five. During that period of time, I advanced from starting on ground routes during the depression, to become Assistant General Manager and later Director of Operations and Director of Projects. Now, the American Society for the Prevention of Cruelty to Animals and I know I'm not among all the friends of this organization, is the largest organization in the United States, handles more animals than any society in the United States, has more employees than any society in the United States and, when you're successful, you're always criticized. You have people that will pick on you. You'll have people whose animal may have been picked up, which in New York City, the ASPCA does the stray work. They pick up all the stray animals and I have had people who are very nice and very honest, say we went into the living room and took the dog out of the living room. He was three blocks away. During the period of my service there, I supervised twenty units of high altitude chambers located in various shelters in the City of New York, in Westchester

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County, Nassau County and further, during my tenure, I have been with the society when we destroyed animals with carbon monoxide, carbon dioxide and now high altitude chambers. All of the twenty units that we have installed are fitted with honeywell disc graph type pen recorders. Now, this is, in a sense, a needless expense for an organization to put in to operation. But it is an answer to complaints of people who say the animals weren't in there long enough. But as soon as that switch is turned on that the electricity goes to the vacuum pump, that graph type recorded records the impulse of that switch. The period of time that it takes a unit to reach the maximum of 27 inches of mercury or approximately 55 to 56,000 feet. When the machine stops, the recorder still goes on recording the period of time that the animal is in that chamber. When the machine goes on or the valves are opened, to let air into that unit, the recording is made of the descent of that animal in the chamber. Now, people talk about odors, blood, urine and other things. There are contributing factors to all these complaints. If a person took a dog in there or a dog was just put in the chamber, had had a drink of water, that water will come out. Furthermore, a lot of people will say well, poor pooch is going to be put to sleep this afternoon, I'll give him a good meal. They give him a good meal and maybe the animal has never digested the food and consequently many times there is spoilage of this sort.

There are a lot of people who love their dogs. Most people love their animals and many people, by reason of unfavorable publicity, come to the shelter in New York and they say I want to see my animal. We have no regrets or never a negative answer. If a person wants to see their animal, they're told to take a seat. The animal is taken down to the lethal chamber area, put in the chamber and then brought out and put on a wagon, brought out and the owner sees that the animal is actually destroyed, put to sleep. The answer to most people, relative to needle work, why a veterinarian and in the State of New York and I believe the same is true in Connecticut, you have to be a licensed veterinarian or a doctor to use a hypodermic needle. We couldn't - no lay person in New York City can operate a shelter and use a hypodermic needle to destroy an animal. So, the answers for most of the criticisms are - now, I've seen animals shot. I've seen them destroyed with carbon monoxide. I've seen them destroyed with hot carbon monoxide that has not been cooled or filtered. Carbon dioxide which we used for years, which is heavier than air and consequently, the air is out of the chamber and the animal goes in. You were putting live animals on dead. When the high altitude process came through, this was the answer to it. Now, for figures, the fiscal year of last year, 1972, ending in April, they handled 284,321 animals in the City of New York. Of course animals, 121,939 were put to sleep. Now, of that figure, about 80,000 of those animals were put to sleep at the request of owners. You get these large figures because Mrs. Jones has a cat and it had six kittens. She brings down her six kittens. That's six animals. Not six kittens, six animals. It may be two

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cats with eight or ten kittens and that brings up your animal count. Another factor is, baby chicks will come in. There may be forty, fifty, sixty or a hundred and sixty, by reason the railway express didn't get the shipment off quick enough and the chicks cannot be shipped to further locations. That goes in, not as one animal, but x number of animals and that increases your population of destroyed animals. So consequently, these are big figures. Now when you take into consideration New York City is about 8.5 billion people and people want animals and people have animals and with the crime situation the way it is, more and more people want animals and are getting animals. The society put out 21,000 animals for adoption last year. And now they are starting to go in with a new program - a neutering program. But, in my opinion, after all the years that I've been in this kind of work and witnessed the type of destructions that I have, I don't know of anything better than a euthanasian chamber. I know societies around the country that are small. That have maybe eight-teen, fifteen, nineteen destructions in a week. They have a local veterinarian doing their destruction work, with a needle but he says well bring down two today, three tomorrow - you can't go down to a veterinarian with ten dogs at a time and have them destroyed. He doesn't want to do it. Death is never a pleasant subject and these men just don't want to do it. It's not a factory line assembly. And when they talk about putting animals into a lethal chamber, high altitude chamber, believe me, and this is strictly personal, if it was God's will that I had to go, I personally would go in a lethal chamber of this type of a high altitude chamber because I have witnessed animals in there. They show no fright, no stress. They're in there. They look around. It's lit up with a light in there- reflected light. And suddenly bang, they go over. When I say they go over, they roll over on their side and they are unconscious.

It was my misfortune to be in an automobile accident years ago. I was knocked unconscious. I was out cold for forty eight hours. The man was held on a homicide - I didn't know anything ever hit me. I was unconscious. I felt no pain and I know these animals don't feel any pain. I personally have had two of my own animals put to sleep by reason of old age in a lethal chamber in New York. I don't know of a better way. I know every society in the country is always on the alert for anything that is better and there is nothing better. Nothing better has come up for this purpose and where you have quantity animals to handle, where you have animal situations, where you have situations such as we had in Connecticut and many parts of the country, who does the work but the Humane Society? And whos getting the brunt of all this but the Humane Society. The ASPCA went out into three communities on Long Island by reason of the Council and the Mayor and the supervisors coming in and saying take this thing off our back and do the work here. No reflection on this council. But we did the work. We

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did it in a humane manner. We handled our animals humane and the stress and I resent one gentleman calling it a slaughter house and I've been at slaughter houses and a Humane Society is not a slaughter house, gentlemen. They do a job and they're doing it humanely. And no Humane Society with good administration or proper administration is going to tolerate any individual in their society being cruel to animals or mishandling animals. And I don't know of a better way to put animals to sleep.

REPRESENTATIVE HARLOW: Thank you, sir. Are there any questions? Sir, I have just one brief question. You mentioned proper administration or proper policy, I think you referred to proper administration, who establishes administration guidelines or rules or what have you, for an organization such as the Connecticut Humane Society, are they self regulated?

MR. AMONSON: I would say the General Manager would set down his rules and regulations as to his operation of his organization of his physical operation.

REPRESENTATIVE HARLOW: No outside group monitoring that in any way, in terms of the national organization?

MR. AMONSON: Not monitoring, but recommending and giving suggestions and answering questions. That's my job in helping on problems.

REPRESENTATIVE HARLOW: No Board of Directors, as such?

MR. AMONSON: Unless a member of the Board of Directors was familiar with the operations to the extent that there was criticism or criticisms had been directed to him, he in turn would then, I presume, go back to the General Manager.

REPRESENTATIVE HARLOW: Thank you, that's the only question I had. Mr. Robinson perhaps wants to address himself to that last question.

MR. ROBINSON: Yes, we have a Board of Directors and it's made up of people who like animals and are from different parts of the State. We have Hartford. We have New Haven. We have the Stamford area. We have New London. That's about it, I think.

REPRESENTATIVE HARLOW: They don't promulgate any other policy other than what the General Manager -

MR. ROBINSON: Well, they promulgate - well, of course they do - such as are we going to open a shelter in Westport or are we going to open a shelter - and I would also like to stand corrected. Some of those pay things might have sounded low but they are lots of perks that go with it. There are automobiles and they were big buyers of automobiles and some of them have homes and, if it's a husband and wife team, they're probably hitting 25 or \$30,000.00 by the time you're through with it. So, it's a low pay

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profession across the country but we're competitive. We get people.

REPRESENTATIVE HARLOW: Thank you.

MR. HELBERG: Mr. Chairman, members of the Environmental Committee, my name is August R. Helberg, Director of the Animal Division, Connecticut Humane Society. I wasn't going to speak here today but some of the questions have been asked. I thought we'd try and clarify them. The question was asked, do we have rules and regulations as regard to the machines. There's no question. We do have rules and regulations as regards how many animals are put in the machine. These are inter-office memos. Individuals who are responsible for these areas are trained, they're either trained by myself or by a General Manager or by our District Officers who are in charge of these shelters. And these men, of course, have been trained over a period of years. Is there any other State in the union that uses these machines? Yes. As far as we know, they're being used in all states throughout the country. Is there any State that has abolished this method? No, there is no State whatsoever including our neighbor to the North or to the West or to the East, whatever you want to call them. The question was asked why so much criticism as regard to this method? I think the biggest answer to that is many of these people, although very interested in animals, very concerned with animals, are misinformed, misled and misguided. I'm very happy that many of these people have stayed here today. Last year they walked out of the Hearing and didn't even hear the testimony that was made. I'm not going to talk about the machine here today because we have a qualified man who's been working with this machine who can answer these questions to knock out a lot of these misnomers that these people have brought forth.

As far as the Humane Society is concerned, these critics have forgotten what Humane Societies started out to do in the beginning. It's not how many lives we want to save, it's how much suffering we want to prevent. And the thousands of animals that Humane Societies have to deal with over the country is a staggering figure. We have a twenty four hour service at our shelter and we're out on your city streets and highways and state highways picking up animals off the highways that have been blasted out of their minds. These animals have to be destroyed immediately. We would have to put staff veterinarians in all our six districts. To use a method that these people want us to use, we would have to have staff veterinarians on call at all times. We couldn't put this thing in the hands of a lay person. This machine, the method that we use, you have to be a very, very low intelligence individual to handle this machine. In the study of this panel, it was not only taken into consideration as regard to the humaneness of the animal. It was also taken into consideration the effect to the employee and his safety. And this has been considered very, very much in this method. I think that's basically the notes that I have taken here. If anybody has any questions, I'd like to answer them for you.

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REPRESENTATIVE HARLOW: Are there any questions from the Committee?

REPRESENTATIVE APTHORP: May I ask how you are trained in the machine?  
Use of the machine?

MR. HELBERG: I've been in this business now approximately fifteen years. I started my employment with Mass SPCA as a Field Officer and I've used all types of methods. They've used a 38 because we carried a 38 up there and I personally like the 38 and it should be only used by one person, a trained individual. I was trained in that method. I was trained in the barbiturate method, through the hospitals that they employ. When I came down to Connecticut, my General Manager trained me as regard to the method that we use here today.

REPRESENTATIVE HARLOW: What's the name of the company that manufactures the euthanair machine? Do you know that?

MR. HELBERG: I should. It's Euthanair Company out of Los Angeles, California, I believe it is.

REPRESENTATIVE HARLOW: Does that company, would you know or - if that company specifically makes donations to your Society?

MR. HELBERG: They don't make specific donations to our organization and I doubt if they give it to the national organization.

REPRESENTATIVE HARLOW: They do take ads in the trade journals?

MR. HELBERG: They do. The trade journal that they speak of is the trade journal in regard to working people in the field. It goes out throughout the country. It talks about articles pertaining to our work, better methods. There are ads in this magazine as regard to fencing companies, cages, traps. These are information for us. We are presently running a program in Peabody, Mass., in conjunction with our New England Federation of Humane Societies to help the Dog Wardens throughout the country to train them, to train ourselves. And, as it was stated before by Mr. Ford and a number of other people, we have a lot of fine laws in this State of Connecticut and one of the things that is not being done in laws in general and I'm sorry that you people have to see these laws come before you, is the implementation of those existing laws. And I'm hung up on that. And one reason is because people don't know the product they're dealing with. One reason is because people don't give the Dog Warden the control officer in the towns the finances they need. And the brunt of the work falls on our back.

REPRESENTATIVE HARLOW: Thank you, sir.

DR. JUMMER: My name is Dr. Robert L. Hummer. I am a Veterinarian graduate of the University of Pennsylvania and did graduate work at Harvard

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several years ago. I spent twenty three years in the Air Force, the last twelve of which have been associated with laboratory animal medicine. It was during this time, that I did work on establishing whether or not this particular piece of equipment is a humane method for the euthanizing of animals. This was done in 1964 at the School of Aerospace Medicine by some of the foremost respiratory physiologists in the country and I'd like to mention their names for the record only. Dr. Richard Bancroft, Captain James E. Dunn, Major Johnny Reeves, Major William Rule, Dr. Charles Lombard, whose name has been mentioned here this afternoon, Ulric Luft, Dr. John Whitehead and Mr. Frank Andrews. Now, this was a rather august group of scientists, intimately familiar with the problems associated with respiratory physiology, related to the human pilot in preparation for the Mercury and the Apollo programs. So I think we have a background in the team that could give us some very sound advice and in the conclusions of my presentation, I'll discuss just a bit about the summary of our report as it was written in 1964.

Now, to set the stage, we're dealing with creatures that God put on this earth. And I firmly believe that when and you in our official capacity state that these animals must leave this earth, they are entitled to a dignified and a humane demise. And I subscribe to you in all sincerity that the high altitude method is one of the most humane methods providing of course, the human element is eliminated. And the human element enters into surgery, it enters into the manufacture of automobiles, as I found out quite recently when I purchased a new one. So we cannot discount the human element. But the equipment is capable of producing a humane death. I should like to discuss for a moment, the physiology related to this method of death. Death at best, is very, very unpleasant. But at this level here, probably we're having in the neighborhood of 22 1/2 to 23 percent oxygen in the air that we're breathing. Right now, it might be a little less because there has been a lot of bull sent out here this afternoon. If we take the animals up to 55,000 feet which is a simulated air altitude that is recommended in that brochure and which was recommended in our report, we reduce the oxygen content in that air to less than two percent. Now, what does this mean? When you realize that man and animals require between thirteen and fourteen percent oxygen, just to remain alive, not to play football; just to remain alive, it seems sensible then, by deduction, that if we reduce from twenty three percent to two percent, that something is going to cease. Now, why does that life cease? The brain cells must have an adequate amount of oxygen, at all times, if they are going to continue to function. If we remove that oxygen by this mechanical means, again by deduction, we can figure that the animal is going to die because of oxygen starvation. Technically called anoxia. Some refer to a hypoxia. Actually, it's an anoxic condition. In the Air Force, many of you may have been in the Air Force and have been in high altitude aircraft, we have had many fatal aircrafts crash because either the oxygen tube became disconnected from the source of oxygen or

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there was a kink or they were doing some gyrations or in combat, for one reason or other the oxygen supply was lost. The pilot had a very, very brief interval to get down so that they could again get oxygen out of the ambient air. I have personally been at 41,000 feet under pressurized oxygen with no pressure suit and have not experienced an extreme discomfort. Yes, I did know that I had gas pockets in my intestinal tract but this was not an excruciating pain. I relate this 41,000 feet in my personal experience, to the 55,000 feet to which we take the animals in this altitude chamber. So that I feel that this complaint about the discomfort, the brutality, the barbaric method of putting these animals to sleep because they go up to this extreme simulated altitude and their intestines expand is fallacious and a figment of imagination. I must qualify that. Recently, there was a statement published, taken out of context, indicating that the animal skins were distended enormously, defecation and voiding of urine took place, vomiting, the food actually regurgitated from the mouth. That experiment gentlemen, was done at between 80 and 120,000 feet with a rate of ascent of less than five seconds. I talked to the investigators and I have their sworn statements in black and white to contest the fact that certain individuals who sell a point, will take scientific data at their own expense, and put it out of context. And I submit this is no good for the humane movement or any scientific endeavor. We've heard considerable this afternoon about the veterinary profession. Pro and con. I'm proud to be a veterinarian but I went to veterinary school to learn how to prevent suffering and how to save lives and not to spend my time at a table in a humane shelter injecting phenobarbital sodium into the vein for eight hours. It's ludicrous therefore, in my humble opinion, to expect to hire a veterinarian who is capable of hitting the vein, to expect him to kill dogs eight hours a day. What is the recourse?

This method does not require a technically trained man. It does require an astute observer. He must be able to move one lever and turn two valves and read a dial which is already preset. He must watch that dial so that if it has a leak and it starts to go down from 27 inches of mercury to about 25, he knows he has a problem and he has to reactivate his pump. To preclude this happening, except in the instance of an individual who refuses to follow instructions, the American Humane Association following our report in 1964, devised an instructional manual and had the manufacturer color code each of the valves and the knobs so that in fact, if they can recognize the color, they should be able to operate this piece of equipment in an intelligent manner. Now regarding the American Veterinary Medical Association, I happen to be a very active member in that association on several of the Boards and quite proud of it. We've heard frequent reference to the 1961 Report. We did hear this 1972 report mentioned. Several years and much scientific data has been obtained in the interim and I feel that you gentlemen should study this report. This report not only includes the high altitude or the decompression chamber data, it includes all of the methods that

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AVMA recommends at the time that this Committee put their stamp of approval on it. I believe you have a copy of this. Do you not?

REPRESENTATIVE HARLOW: I do, sir.

DR. HUMMER: Now, there's an allegation made that when we take these animals up in this particular chamber that the animals suffer excruciating ear pain. To counter this charge, we put one of our physicians in a flight suit, took him up with some dogs at 55,000 feet, after having examined the dogs at ground zero. He examined the dogs at 55,000 feet and could find no evidence of hemorrhage in the ear or through the ear drum by means of the oetoscope that was available for our use. When we brought those dogs to ground zero, yes, we did find hemorrhage and this points to us that hemorrhage in the ear is a province of recompression, coming down, rather than decompression or going up to the 55,000 foot simulated altitude. And I think we have to get all of these little objections in their proper sequence and in their proper context and when someone says to you that that machine is going to rupture their eardrums, this could very well be true. But it's going to be at an altitude beyond which the animal has any sensation. Why do I say that? Unconsciousness, normally begins at about 27,000 feet altitude. It may go up to 35, depending on the amount of oxygen that the individual has in his tissue and it has not been shown that an eardrum can be ruptured in decompression environment at less than 35,000 feet. Consequently, the claim that this machine will rupture eardrums and cause a lot of hemorrhage may be true but it only follows after they have gotten to altitude and have come down in the instance of hemorrhage we may rupture the eardrum with a rapid ascent but again, the animal is going to be unconscious because it's going to take place beyond the 35,000 foot level.

Now, I would like to correct one statement that was made. This method was referred to as the explosive decompression method. Explosive means instantaneous. And there is a terrific difference between a millisecond and the prescribed method of running this machine up to 55,000 feet, within the time span of forty seconds and fifty seconds. And this is what we are recommending. We do not recommend explosive decompression. I have been explosively decompressed at 28,000 feet and I know how it feels, and you grab like the very devil to get that oxygen mask because you know you have fifteen seconds and you're in deep trouble if you don't get the mask on and get it on properly.

Another allegation was made that this machine is responsible for defecation and urination. I submit to you that when life leaves any body, the anal sphincter and the bladder sphincter relax and if there is any material in the rectum or in the urinary bladder, that fluid and that material is going to pass on. Ask any nurse and

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she'll bear this one out. Another statement was made that the intraperitoneal route is an alternate route where we can use other agents to inject into the belly, if I may use that term. This is true. But suppose you get into the liver, suppose you get into a loop of intestine that has been passing back and forth. You know the intestine will clamp down and open up and suppose you get it in there. In fifteen or twenty minutes, the animal is perfectly awake so then we have to go through this again and again unless the person knows exactly where he is entering that needle and where he is depositing the solution. And the same thing goes for the heart. There are people who feel that they can inject phenobarbital directly into the heart. I've studied the anatomy of the chest and the heart and I'd be the first one to say that I couldn't do it a hundred times out of a hundred. And when you penetrate the chest wall or the peritonium, the plura in the chest and the peritonium in the abdominal cavity are two of the most sensitive tissues in the body and you're going to stick that needle in and if you miss the heart you're going to go this way and then you're going to go that way. I submit that this is not humane. And when I joined the American Humane Association in July of last year, one of the first things I insisted on was that we would not tolerate the injection of phenobarbital sodium, by a layman, either in the chest or in the abdominal cavity. If they're qualified to get it into the vein, fine.

How many of you have gone to a doctor to have a blood sample taken and he missed the vein three or four times? Did you feel humane? I've done it in the military many times and I could cuss those sergeants every time they did it. But that's beside the point. Well, you have a vein about three quarters to an inch and I remember the day when I had difficulty hitting that vein but I learned and that wasn't humane either. Another statement was made regarding the bends. Now bends are normally associated with deep sea diving. It is possible, in rapid ascent. However, Dr. Luft says that he can find no evidence to indicate that bends will occur earlier than three minutes at a rate of ascent of 33,000 feet in three seconds. Now, that's a rapid rate of ascent. So again, we are not talking about the same situation in this 33,000 and 3 second ascent as we are in 55,000 feet in between forty and fifty seconds. So the bends should not enter into a scientific or a technical discussion of the values or the lack of value of this method of euthanasia.

Gentlemen, it's my best professional opinion that you are going to serve your taxpayers, your constituents best and you will provide the most dignified and humane death for the animals in this State if you will not enact these two laws, 5343 and 7536.

REPRESENTATIVE HARLOW: Thank you, sir. Does the Committee have any questions?

MAJOR FORD: Mr. Chairman, I'd like to thank this Committee for their stead-

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fastness this afternoon. You've lived for three hours with killing.

REPRESENTATIVE HARLOW: I think we need that chamber.

MAJOR FORD: And this is the kind of a life that a lot of us live in every day in the week and I go back to my statement this morning that 95 percent of the killing we talked about here this afternoon is due to the fact careless dog ownership and failure to enforce the State's statutes. Period.

REPRESENTATIVE HARLOW: Thank you, major. No, I'm afraid you're not Mrs. Long. It's the Committee asking the questions or taking testimony. Thank you, sir. Dr. Stadler, do you want to say something? Well, fine. Okay. We're not quite done for those of you who want to stay in terms of the testimony. The Committee will remain but others want to leave, fine. Dr. Stadler's going to testify at the moment. Sorry, sir.

DR. STADLER: I'm Dr. Stadler, State Veterinarian and I am the one who's been accused of approving this euthanair machine. Believe me, this approval came after investigating all the accusations that were made previous to my being appointed as State Veterinarian. As soon as I was in office, I was hit with it. I didn't dare make a move until I looked into it. I did look into it and I approved it. Since that time, and I testified two years ago, in favor of this machine, since that time on occasions, and nobody knows when, I stop in and I see these machines in operation. If I saw anything wrong, you can bet your bottom dollar that they would be stopped. I have yet to see anything wrong. I have yet to see any dog explode or any dog suffer or cat. They just quietly go to sleep. In my estimation, it is an excellent and humane method of disposal of these animals. I made some points here but Dr. Hummer has covered them all. Statement was made to the effect that I can approve any drug. That's not the case at all. The veterinarians use the drug of their choice and they do that without any say so from me. They are qualified, capable and they know what they're doing. They don't need a State Veterinarian to tell them what drug or what drug not to use. I have refused certain towns in this State the use of carbon monoxide. They have requested permission to build these chambers and that has been a flat denial. They must either use the and I say euthanair, any of the high pressure machines, or have the veterinarian in that town or whoever does their work, use the drug of his choice. I have no control of the drug that the veterinarian is going to use and I have enough faith in our veterinarians in this State to know that they are not going to do any monkeying around. They're going to use nebutol or its equivalent and put this dog humanely to sleep. You've heard they are not butchers and they don't want to do this day in and day out and they want to do the job as rapidly as they can. And as peacefully as they can. In all the observations that I have seen, and I have stopped in to all of these, nobody knew I was

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coming. I never called anybody. I'd just go in, ask them if they have any to put away, I want to see it go. And they do and I have never seen anything wrong. Explosions are out. Dr. Hummer has explained the relaxation, the urine and so on. There was complaints about drunks running the machines. Machines on day in and day out. This is not the truth by any manner of means. Anytime I have stopped there. And I have been into these places not just during 8:30 to 4:30 hours. Any time of the day or night, I have stopped in to these various places. I feel it's part of my job and inasmuch as we have approved the use of this machine, I want to be sure that it is being operated correctly. If it is not, I will stop it. That is still our prerogative but I have yet to find one place or any operation that hasn't been working absolutely right to the letter. I'm not going to take any more of your time but I hope that you will see fit to continue to approve the use of this machine in the State of Connecticut.

REPRESENTATIVE HARLOW: Thank you, Doctor. Any questions? I think we're all too tired. We'd like to thank everyone for being here this afternoon and especially your patience.

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ADDENDA

Tape No. 4 was not useable. Therefore, the following speaking testimony does not appear in the Transcript:

Byron Tart - Town of Windsor

Representative Harlow

Representative Groppo

Robert Seacon, City Engineer, Bridgeport

John Taylor, West Hartford

Representative Apthorp

Helena Perrone

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DIRECTOR ANIMAL DEPT.  
JOYCE GARAM  
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Committee on the Environment  
Connecticut State Legislature  
Hartford, Connecticut

Ladies and Gentlemen:

Subject: Bill No. 7536 "The Merciful Treatment  
of Animals"

Bill No. 5343 "The Use of the High  
Altitude Euthanasia  
Machines by the  
Connecticut Humane  
Society"

Both these Bills, if passed, would have a direct effect on the Connecticut Humane Society and numerous towns throughout the State of Connecticut which utilize the Connecticut Humane Society's facilities for disposing of animals.

The Connecticut Humane Society presents the following in support of our method of disposal, namely, euthanasia by high altitude machines:

1. A statement submitted by State Veterinarian, R. J. Stadler, VMD, dated May 18, 1970 in which Dr. Stadler authorizes euthanasia by euthanair
2. A News Release by the American Veterinary Medical Association dated March 1, 1972 in which they describe hypoxia induced by rapid decompression as one of the most effective and humane methods of disposal in use in this country today

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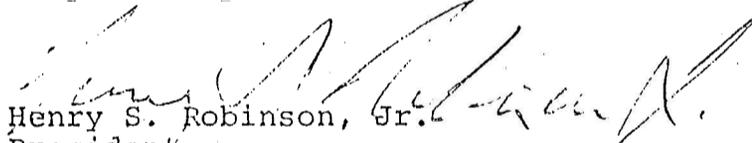
3. A reprint entitled, "How Much Do You Know About High Altitude Euthanasia" by Commander Martin Passaglia of the United States Air Force published by The American Humane Association in which the method of euthanasia is described in detail

All fifty states, either through humane societies or through municipal pounds, utilize high altitude euthanasia in humanely disposing of unwanted and stray animals.

The Connecticut Humane Society has a film on high altitude euthanasia done in cooperation with the United States Air Force and the American Humane Association which is available for your review, if desired. Further, our facilities and the method of euthanasia are also available for your inspection at any time.

The Connecticut Humane Society has existed for 92 years and its existence must be attributed to conscientious adaptation of humane rules and regulations. We have not stopped now, nor do we intend to, but look forward to serving the State of Connecticut in the promotion of humane welfare of all living creatures. This is our goal!

Respectfully submitted,

  
Henry S. Robinson, Jr.  
President

*March 1, 1973*STATEMENT TO JOINT COMMITTEE ON ENVIRONMENTAL  
MATTERS-CONNECTICUT GENERAL ASSEMBLY-1973

*It is important to note that the manner in which these bills are worded, although intentional, to most would appear to be incongruous with their purpose.*

*Since the enactment of the 1963 Connecticut Pest Control Act we have continuously tried to see resolved a monumental amount of wrong that prevails as regards the use and users of pesticides in Connecticut.*

*During the last session of your astute assembly, two of your own colleagues stated that there is absolutely no point to passing legislation unless the appropriate agency to which it is assigned recognizes the full mandate of the law and sees to it that it is enforced. Sometimes it has to be specifically spelled out.*

*Public Act 527 and the resulting 1963 Pesticide Law was in no way intended to put someone into a business that he was never in before, least of all into a business he is hardly qualified to pursue. Yet this is exactly what has happened. Nor was the law intended to allow out of state operators to misrepresent themselves, their qualifications, and their actual whereabouts to potential Connecticut customers.*

*We therefore respectfully call to your attention two amendments to the Connecticut Pesticide Control Law:*

BILLS #1134 & 1136 both jointly sponsored by

*Sen. J. Gormley, 28th. District*

*Rep. H. Wenz, 134th. District*

BRIDGEPORT  
335-0711

DANBURY  
744-1462

NEW HAVEN  
933-5496

WILTON  
762-8651

BILL #1134. . . . Its intent is to establish a course of study at the Vocational Trade School level for the exterminators or Pest Control Operator. As an amendment to the 1963 Pesticide Law, it relieves the Commissioner of Environmental Protection of a responsibility that does not rightly belong to that agency. The State Board of Occupational Licensing operates as an arm of the Connecticut State Department of Education. It is that agency that in recent years was assigned the task of training and licensing the vocational trades. (electricians, plumbers, radio and television, etc.).

Before any applicant should be expected to expose himself to an examination in any trade, he should, rightfully have available an acceptable apprentice training program. The format with which this agency would assume this task would be first (with the cooperation of all appropriate agencies-Agriculture, EPA, State University, National & Local Trade Association, etc.) to set up an approved program of classroom study preferably at the Vocational Trade School level. Examinations conducted upon successful completion of such a course would thereupon serve as the minimum requirement to the issuance of a license in the specific trade.

To this, we might add the requirement of proof of financial responsibility and the usually appropriate apprentice training period (6 yrs.), thereby assuring everyone of adequate experienced supervision at the job site as the law originally intended.

It is interesting to note that the Connecticut State Labor Dept. has presently been granted substantial Federal financial assistance to help educate and reemploy our unemployed. (MANPOWER DEVELOPMENT TRAINING ACT). Our industry at present is ineligible for this assistance simply because we do not have available an apprentice training course acceptable to that agency.

The recalcitrant manner in which the requirement to license the extermination trade was done in 1964 and the continuing numbers of applicants who

have applied since 1940 at offset-over 300 to date) has resulted in an  
consternation and must be resolved. Such complicity was aggravated when  
was already a very bad situation. 156

BILL #1136. . . . The provision for adequate supervision of custom ground  
application of pesticides is already in the law. The fact is that this re-  
quirement is being totally ignored.

The intent of the bill is, in effect, to eliminate the profiteering in the  
trade, for the most part, being done by out of town and out of state pro-  
motors. This they are able to do, in breach of their obligation under the  
law, by disguising their true identity and whereabouts through the media of  
a telephone answering service; leading a panic stricken, gullible public to  
believe their office is in the local community.

In fact, it is conservatively estimated that over 50% of the potential busi-  
ness in Connecticut is being sapped from our local business economy. It  
would presumably follow therefore that over 50% of the assumed deleterious  
pesticides are being dispensed by unsupervised personnel. Both these bills,  
incidentally will entail no additional cost to the State.

A monumental amount of wrong prevails within our industry. Much more could  
and should be said, but time will not allow. It is important to note that with  
the enactment last October of the new Federal Pesticide Law, that these re-  
quirements, amongst others, must be recognized, or as Gov. Meskill has point-  
ed out, failure to accomplish these objectives will certainly result in re-  
duced Federal Aid to Connecticut.

Mr. Chairman, we need yours and your committees' assistance. The enactment of  
these two minor amendments will help us to resolve much, if not most, of the  
inequity. We ask that you consider them carefully and hopefully look to see  
them reported out of your committee favorably.

Respectfully submitted,  
CHEMICAL SERVICES CORPORATION

  
Paul J. Coletti  
President & General Manager

PJC/sb

*Ed d la  
- inville*

COMMUNICATIONS SECTION  
Room 409A Date MAR. 1  
~~February 15, 1973~~

MEMORANDUM FROM STATE DEPARTMENT OF TRANSPORTATION

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BILL : #880 1807  
TITLE: An Act Concerning a Boat Launching Area in Montville.  
PURPOSE: That the Commissioner of Transportation install a signalized railroad crossing at the subject location.

COMMENTS OF THE DEPARTMENT:

*Section 2*

The procedure for alteration or construction of a railroad crossing is outlined in section 16-161 of the Connecticut General Statutes which requires that Town authorities bring a petition before the Public Utilities Commission. The Commission conducts a hearing and can order a grade crossing reconstructed, altered, or eliminated, and determine a basis for payment thereof.

Point Breeze Road is not a state route and therefore does not come under the jurisdiction of the State Department of Transportation.

There is existing adequate legislation in regard to railroad crossings. Therefore, it is recommended that this Bill be opposed and the Town of Montville request a hearing from the Public Utilities Commission to establish the need and extent of any reconstruction or relocation of this crossing.

*Allen V. Loria  
Highway Associate ENG. (TRAFFIC)  
Bureau of Highways*

8477

Darius H. Hershman

My name is Emanuel Hirth, I am general manager of the Central Connecticut Farmers Cooperative, 10 Apel Street, Manchester, Connecticut. I am here to support Bill No. 5904, introduced by Representative Tiffany.

8477

The Central Connecticut Farmers Cooperative manufactures and delivers feed to farmer members, who raise 52% of the laying hens and milk 33% of the dairy cows in Connecticut.

As you are aware, the total cash farm income for Connecticut, in 1971 from dairy was \$52 million and from poultry was \$48 million. The business activity generated in Connecticut in the non farm sector was \$42 million for dairy and \$21 million for poultry. Most of the milk and eggs consumed by Connecticut residents originates in Connecticut.

During the 10 year period 1961-1971 broiler production decreased 77%, and milk production decreased by 8%. Egg production, however, increased by 29%. Unfortunately, for the last two years egg prices have been below the cost of production much of the time.

Now that egg prices have finally begun to climb, feed prices have risen faster.

With all these things burdening Connecticut agriculture we can not afford further problems such as the infectious disease in chickens in California last year. It cost the federal government \$30 million to eradicate this disease.

Our Connecticut consumers will not tolerate the problem a New Jersey soup company had nor what is happening to mushrooms and tuna fish.

Even the hint of such a problem would bring forth consumer reprisals that could harm our farm industry.

Therefore, I as the representative of the farmer members of the Central Connecticut Farmers Cooperative endorse the passage of Bill No. 5904 to facilitate the monitoring of infectious diseases, chemicals and toxic materials.

March 1, 1973

DATE: March 1, 1973

NAME: Linda B. Jaivin

ADDRESS: 914 Montauk Avenue, New London, Ct. 06320

ORGANIZATION: Connecticut Student Action Group, Politics of Pollution Conference, 1972

I urge the Environmental Committee to give committee bill #1810, An Act concerning pesticides, a favorable rating. This bill is a serious effort to deal with the pest control situation in Connecticut in a manner both economically and biologically feasible.

The indiscriminate sale of all persistent pesticides should ~~be~~ <sup>be limited by</sup> ~~licensing~~ <sup>licensing</sup> ~~banned~~ persistent pesticides defined as the chlorinated hydrocarbons. Chlordane would be excluded because its persistence and stability make it a highly effective treatment for ants and termites around buildings.

The organophosphate group of pesticides is another meriting strict control. They should be prohibited to all except ~~approved~~ <sup>licensed</sup> professionals. Malathion would be excluded because it is not terribly toxic to either cold-blooded animals or mammals and is an effective contact poison.

As faulty spraying equipment often results in pesticides landing where they were never intended to land as well as worker mishaps, a mandatory yearly inspection of the professional spraying rigs should be instituted. The cost of inspectors would be at least partially defrayed by a ~~tax~~ <sup>fee</sup> charged on approval.

Pesticides are by virtue of their composition, chemicals not easily disposed of. They cannot be discarded on land or in the water,

or even burned at a dump. A high-power incinerator would serve individuals with small amounts left in bottles, etc. as well as companies with large amounts of pesticides they wish to get rid of.

*This provision should be incorporated into the bill.*

Finally, all pesticide use, <sup>particularly</sup> in watershed areas must be preceded by the filing of environmental impact statements. The water is the last place we would want pesticides to stray for multiple reasons. Among other reasons, the water is what we and other animals must drink, it is the basis of much of our food, and it tends to carry pesticides from an area that they were placed in to a neighboring area they have no business in.

*strengthening*

Once again, I urge you to support committee bill #1810. Thank you.

COMMENTS REGARDING PESTICIDE ACT

BY

F. P. FUTNER, DEPUTY COMMISSIONER  
DEPARTMENT OF AGRICULTURE  
STATE OF CONNECTICUT

Lines 50 - 62 -

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Licensing of "operators" in the definition of "custom applicator" is going to put our commercial applicators at a rather severe disadvantage especially if the qualifications for this license are too severe and restrictive. The Federal Act does not have a licensing section for "operators".

Lines 180 - 186 -

These lines in the State Act require a report on the environmental impact of a pesticide. This is a severe request that is not evident in the Federal Act. Unfortunately, it could severely restrict distribution of pesticides in Connecticut.

Lines 205 and 206 conform to the Federal Act. However, a sentence is left out of the State Act between Lines 206 and 207 that states "The Administrator (Commissioner) shall not make any lack of essentiality a criterion for denying registration of any pesticide."

Lines 245 and 246 of the State Act differ from the Federal Act as follows: The State Act declares: "The pesticide shall be applied for any use to which the restricted classification applies only by a certified applicator." Federal Act states: "The pesticide shall be applied for any use to which the restricted classification applies only by or under the direct supervision of a certified applicator." Obviously, the State Act is much more restrictive.

Lines 250 and 251 of the State Act also deletes the phrase "or under the direct supervision of" as in the above note. Both these portions of the State Act conflict within themselves because the definition of "private applicator" in Lines 46 - 49 has the phrase "as authorized to use or supervise the use of any pesticide which is classified for restricted use." In other words, the definition of private applicator in one section states that a private applicator can supervise the use of restricted pesticides, but in another section, if the pesticide is restricted, the Commissioner will not permit an applicator to supervise the application of such restricted pesticide.

After Line 252 of the State Act, the Federal Act has a sentence that states: "Any such regulation shall be reviewable in the appropriate Court of Appeals upon petition of a person adversely affected, filed within 60 days of the publication of the regulation in final form." This is not in the State Act. The reason given is that under P.A. 854, everyone has recourse to an appeal. I wonder, though, about the possible amendment of 854 and its ramifications in regards to appeals.

Lines 253 - 268 contain a section not included in the Federal Act. It gives the Commissioner broad powers concerning permit use for restricted pesticides. He has the powers to determine what pests may be controlled by a particular pesticide and, according to Lines 267 and 268, "restrict the location in which the pesticide may be used."

Lines 276 - 282 are peculiar to the State Act and have to do with the fee schedule for registering pesticides. Also, it requires re-registration after 3 years. Federal Act requires re-registration after 5 years.

Lines 330 - 332 of the State Act provide for establishing separate standards for supervisory and operational licenses for custom applicators and for private applicators. These lines give the impression that there are going to be two types of licenses for both private and custom applicators. I believe the intent was to have a supervisory and operational license for custom applicators but not for private applicators.

Lines 372 - 378 would require financial responsibility for any licensee including those in the private applicator category (farmers) and operational licensees (those who work for custom applicators). This is a severe burden not required in the Federal Act.

Line 398 differs from the Federal Act in that the Federal Act gives five years for registration and the State Act gives three years.

Lines 502 - 504 refer to the seller of any pesticide having to be registered. This list would have to include every food store, drug store, hardware store, discount store, five & ten store, department store and garden shop in Connecticut. I wonder at the need for registration of every establishment selling any pesticide. It would seem better to limit "any pesticide" to "restricted pesticide".

Lines 514 - 522. The same holds true for this section as the above statement.

Lines 523 - 593 of the State Act impose some rather severe restrictions on sellers of pesticides and devices. These sections are peculiar to the State Act and do not appear as part of the Federal Act.

Section 11 of the Federal Act entitled "Standards Applicable to Pesticide Applicators" does not appear in the State Act. Wording of the Federal Act is as follows:

- a) "In General - No regulations prescribed by the Administrator (Commissioner) for carrying out the provisions of this Act shall require any private applicator to maintain any records or file any reports or other documents."
- b) "Separate Standards - When establishing or approving standards for licensing or certification, the Administrator shall establish separate standards for commercial and private applicators."

Both these sections have the intention of exempting the private applicator (in most instances, farmers) from certain restrictions, that is, the need for extensive record keeping and the desires for a less comprehensive examination for licensing. I believe both these sections should be incorporated in the State Act.

Lines 761-764. It would appear appropriate to substitute "shall" for "may" in line 761 and to add "Conn. Agricultural Experiment Station" in line 762.

Lines 786-788. Prohibiting the use of any pesticide by municipalities would be highly presumptive. Also, who determines what "unreasonable adverse effects on the environment" are?

Lines 789-801 impose a severe burden on anyone who has the necessity of applying pesticides. It could give the Commissioner complete powers in not allowing any application of any pesticide.

1810 from John Anderson  
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## The Connecticut Agricultural Experiment Station

123 HUNTINGTON STREET BOX 1106 STAMFORD, CONNECTICUT 06504

March 1, 1973

Senator Philip N. Costello, Jr., Chairman  
Representative Harold G. Harlow, Chairman  
Environment Committee  
General Assembly

Gentlemen:

The following comments are offered on Committee Bill No. 1810 of the 1973 General Assembly, "An Act Concerning Pesticide Control."

First, the Experiment Station makes itself fully available to your Committee for information and consultation on the technological aspects of the bill.

Second, the Connecticut Station is mentioned at line 345 of the proposed bill. This would require the Station to inspect agricultural crops, nurseries and orchards before the approval of the application of pesticides by aircraft. The Station has for many years performed this function and is glad to continue it.

Third. At line 557 of the Committee bill, the analysis of samples of pesticides is mentioned. Section 19-300(c) of the present statutes requires the sampling and examination of pesticides under the joint direction of the Commissioner of Environmental Protection and the Director of the Station. The Station annually purchases and analyzes samples of brands of pesticides offered for sale and then publishes the results in the bulletins of the Station. It seems reasonable that the inspections should be made by the regulatory agency and that the analyses should be made by the existing laboratory which serves several functions efficiently. I, therefore, suggest that the Committee bill might be changed at line 557 to read as follows:

"...weight to the portion retained. Official samples may be analyzed in the laboratories of The Connecticut Agricultural Experiment Station and the results published in the bulletins of the Station with such information regarding the character, composition and use thereof as may be of public interest or importance."

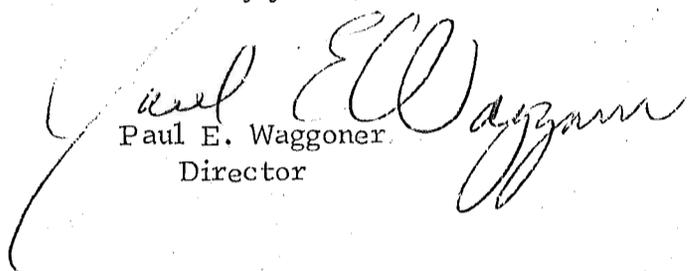
Senator Costello  
Representative Harlow

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March 1, 1973

Again, the Station stands ready to provide technical information  
as the Committee requires.

Sincerely yours,

  
Paul E. Waggoner  
Director

PW/lp

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punitive action for environmental quality.

Two, Establishment of a standardized schedule of civil fines for all classes of environmental violations.

Three, Opportunity to establish standards which allow the Commissioner to exercise flexible remedies to meet various bona fide hardship situations - thus providing a workable tool to encourage and enforce compliance.

The Department in its statement has referred to the fact that the bill is fundamentally a tool for "environmental equal protection under the law". This protection is for the party in violation - that his problem be handled in manners proportionate to the magnitude of the violation; it is also protection for the citizenry who rely upon the State through its Department of Environmental Protection, to accomplish the tasks of environmental protection.

Connecticut can be proud of being a leader in the best modern thinking in civil enforcement procedures. The Conn. Chapter of the Sierra Club therefore endorses this amendment to Public Act 872 and requests that Committee Bill 1973 be established as an amendment to Public Act 872 by the 1973 General Assembly.

REP. HARLOW: Thank you sir, are there questions from the Committee?

If not, at this point I would like to welcome Commissioner Dan Lufkin to our hearing and invite him to step forth and give testimony.

COMMISSIONER LUFKIN: Mr. Chairman, if Assistant Commissioner David Tunderman, Legal & Governmental Affairs, joins me?

REP. HARLOW: We welcome the Assistant Commissioner as well.

COMM. LUFKIN: Thank you very much, Mr. Chairman, Mr. Co-Chairman, Members of the Committee. Before giving testimony, and I will make this testimony very brief, I would like to say two things for the record. One is, by and large, the record of Environmental performance and environmental integrity on the part of industry

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in the State of Connecticut and has been excellent.

The purpose of this bill primarily is to facilitate the enforcement of activities against those very few members of the community to choose the law to circumvent the activities of our department and not the very many of industries in this State that use the law and conform with the law to apply sound environmental practices in their day to day operations.

Secondly, I would like to place this moment to publicly record the very great debt the, our Department and the State has, to the law firm of Davis Poke in New York City who has devoted over 200 hours of work, not only to this law itself but to searching the laws of other States and to the management consulting firm of McKinsey & Company which has devoted over 100 hrs. of pro bona work to searching the background of where the Dept. of Environmental, under Act 872, was missing the mark, in terms of enforcement procedures.

I would like to just cover five quick points, why the Enforcement Bill is necessary and 7 quick points as to what the bill does.

One, existing enforcement procedures are often unfair to companies operating within the State. Most companies in Connecticut are spending the sums necessary to meet environmental standards on schedule, yet because it is easy and relatively cheap, a small number of companies can frustrate the equal application of environmental standards through manipulation of the legal process and this basically falls within one simple area, that is the only activity that we have at the moment, is that we can do nothing to those who violate a simple return of a schedule of erramitions or we can go to court and seek an abatement order.

Those are the only two procedures allowed to our department of the enforcement of all of the requirements in the environmental actions.

Two, existing enforcement tools provide all or nothing alternatives, just covered it.

Point number three, small cases must be handled exactly the same as big cases. We have roughly 4,000 failures

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in the Department right now to fulfill the application procedure for registration under the new air implementation act. We also have some major F fluid discharges which are going without permit into the water-ways of the State.

The fellow who fails to fill out a one page memorandum and the fellow who is discharging something in the order of 20,000 gallons of untreated discharge a day, are treated the, exactly the same way.

Point number four; Many environmental fractions are improperly classified as criminal offenses and here I am referring primarily to open burning and all of the actions under our pesticides code.

Many hours of judges time and lawyers time are spent trying cases that should first be heard and determined as to the environmental characteristics of it by our Department.

Because of the expertise needed in determining environmental issues the department is more equipped to first handle questions of technology than are the courts, meaning the court can, perhaps in its most effective role, as .... tribunal.

What the bill does: The Bill authorizes the Commissioner to assess civil fines as the gentleman from the Sierra Club pointed out, after very careful and considered public hearings, as to the regulatory procedure to set up that fine schedule. And, after conforming with a range of considerations that the Commissioner must take into account, as a result of this spelled out in the bill.

The bill provides full protections for the rights of persons subject to these civil fines. The bill permits, all protections and rights under the Administrative Procedures Act are guaranteed and of course this includes a right of an appeal.

The bill permits flexible remedies to be tailored to separate classes of violation. The Civil Fines system permits the Commissioner to use a flexible economic lever to encourage compliance on schedule.

The bill carefully structures the Commissioner's discretion, as I mentioned a moment ago, when we adopt

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a schedule that's subject to careful and clear public hearing, and when we assess a civil penalty, that civil penalty must be in conformance with provisions of the Act which are quite clearly spelled out.

The bill relieves the court of part or all of their trial load and places the courts in the position, as I mentioned before, of ...tribunal. The bill decriminalizes environmental violations.

Finally, the bill follows established precedent. The Illinois Pollution Control Board has a similar enforcement board, enforcement program and the New York State Insurance Commissioner has been using this almost exact system since 1952. The enforcement process, many environmental fractions, often breaks down due to the structure of the system we presently operate under.

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Remedies are inflexible, minor and major/fractions are not distinguished, violations are misdirected to courts and courts docets are crowded.

These breakdowns work to the benefit of the relatively few who fail to comply and at the expense of vast majority of Connecticut industry which complies willingly. Enforcement Bill provides a flexible tool to encourage compliance by tailoring remedies to fit violation and it also provides a full range of procedure protections to guard against abuse. It adds a necessary tool to the Dept. of Enforcement procedures without which enforcement would be inadequate, and is now, inadequate. Fundamentally, it insures environmental equal protection under the law.

Thank you very much.

CHAIRMAN: Thank you very much Commissioner.

SEN. GUNTHER: Senator Gunther, 21st District, I would like to ask a simple question Commissioner. I think you know my attitudes about the pussyfooting we've had going on in the enforcement, especially the water pollution abatement; is this bill going to determinate with, the pussy-footing with encourageable polluters and that type of thing? Do you have enough strength to go out and really enforce the laws of the State of Connecticut, in your estimation?

COMM. LUFKIN: Senator, I think experience will be a better guide

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than my judgment but my judgment is that we do have a workable tool that will establish a scale of fines that will be in balance with the cost of not complying, versus the cost of complying, the single failing economic point now, simply stated, it is cheaper not to comply than to comply.

The work that McKensie's Company has done for us, in consultation with the University of Conn., in using their computer programs, has tried to acquaint on each individual scale and range of offenses, what the cost of not complying is or what the savings of not complying is, and acquaint the charge against that so that the two come in balance.

You want to make it economically sound to comply, not economically sound not to comply.

REP. GRANDE: Commissioner, in the event that the offender decides to appeal this case, that you, a fine that you might impose upon him, what is the procedure and status of the offender at that time, does he cease to continue to pollute while it is in appeal; does it go back to the courts in the case of an appeal and give us a little detail?

COMM. LUFKIN: Let's say after we have gone through a hearing on the particular issue, the fine was assessed in accordance with the predetermined regulation after public hearings and arranged and the Commissioner take, had taken into account all of the considerations required by the Act, he assesses a fine of \$5,000. The offending industry, with a fine of \$5,000 with \$100 a day non-compliance charge, let's say, the offending industry says, that's unfair and we disagree with it and we are going to appeal it. They then would appeal that to the court and would ask, as I imagine, a part of that appeal for the court to stay the application of the per day charge. The benefit of that is the Judge then will begin to look at the merits of the case and if the case is meritorious, and if the case on the part of the industry makes sense, the Judge has the ability to stay the imposition of the per day charge, to the extent that it is a frivolous appeal, which many in the past have been, the judge says there is not evidence, not enough evidence here and the appeal looks to me like the way to stay the execution of the fine which ultimately is coming. Or the abating of the environmental damage which you are creating, I will not stay that \$100

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a day charge, you may appeal so if you lose the appeal those days will add up on the clock.

REP. WAGNER: What if he wins the appeal?

COMM. LUFKIN: If he wins the appeal the fine is dropped, the issue is dropped, there is no charge against him whatsoever.

REP. WAGNER: You'd have to start the process all over again?

COMM. Yes, we would start the process all over again to the extent that we felt the issue of environmental protection was still being violated.

REP. WAGNER: Commissioner, prior to your testimony here this morning concerning a specific exemption from the Administrative Procedures Act, Section 4-179 and 4-80, could you or your assistant commissioner give us the rationale why this was set up this way so that we could fully evaluate the idea?

COMM. Representative, Section 179 and 180 of the APA, by and large requires myself or either of the Deputy Commissioners, Deputy Commissioner of Conservation, Preservation, or Environmental quality, to read all of the transcripts of all of the hearings, alternate to that, is to allow verbal testimony from all registered parties to those hearings.

We have something in the order, the next year, of 400 air-control compliance hearings coming.

We have something in the order of 80 dredging, filling navigable water water hearings coming.

We have something in the order of at least that many again in the water compliance section. If you think of it, and you know as well as I do, you have seen the hearing transcripts that run and do, four and five tapes, each, if you think of it, you are talking of reviewing two of those a day, you are doing nothing else, that's what it amounts to.

The reason this is in here is because, although I am not qualified to comment on it, I think that the APA is being reviewed with these dislocations of mechanics in mind and to the extent that they are disregarded then this section would be redundant, to the exception they are not, the functioning of

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our department requires exemption of that, from that section of APA.

REP. CHURCHILL: Could you give me some idea of the record of the Attorney General's Office in pursuing violators under the current system?

COMM. LUFKIN: Let me say this Representative, that I can give you chapter and verse on the record although it is the portion of the iceberg that shows. The bulk, the 7/8ths of the problem is under water and that is because of the backlog in the Attorney General's Office; because of the inability to move forward rapidly with the abatement orders as issued, we simply don't refer problemaries to the Attorney General's Office because there is no action there.

It is not totally the Attorney General's fault, I might add, both from the point of view of operating with limited personnel but also from the point of view of the cumbersome structure of the law which gives him only one option and that is to issue an order or do nothing, similar to our department, obviously, under law. He is a victim of the mechanics prescribed for him as well as a thin organization.

SEN. COSTELLO: Commissioner, Attorney Bership, who spoke earlier, mentions several suggested improvements in the law or at least what he thought would be improvements. You have already touched on the issue of the deviation from the Administrative Procedure Act, and wonder if you might comment on two other suggestions that he had. One is that the power to impose fines, not be delegated below Deputy Commissioner status, he suggested that rather than permit the delegation to a lower ..employee of the department and do you feel it would be possible to have a Deputy Commissioner assigned to the enforcements protection and it would be profitable for him to review the imposition of each fine?

COMMISSIONER LUFKIN: Mr. Chairman, I think that is a very valid suggestion and I would have no problem in the operations of that.

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CHRM. COSTELLO: Another suggestion was that the violator or the alleged violator given, be given an opportunity to have a hearing on the imposition of the penalty prior to such imposition. As I understand the Act now, the, once the violation is detected and there has been no response to the first notice, that a fine would be imposed and so indicated to the violator and then he would seek his recourse to a public hearing before the Department.

Mr. Bership suggested that perhaps the hearing should also include the amount of the fine and that should be discussed at the hearing. Would there be any strong...

COMM. LUFKIN: No strong objection to that.

CHRM. COSTELLO: Do any of the representatives have any further questions? If not, we thank you very much for appearing today.

COMM. LUFKIN: Thank you Mr. Chairman.

CHRM. COSTELLO: Is there any further testimony on S.B. 1973? Then we will close the public hearing on this bill and go on to S.B. 1929, AN ACT CONCERNING REUSABLE BEVERAGE CONTAINERS.

Again, we remind you that we have not asked people to sign a list as to order of testimony, however, if you will line up everyone will receive an opportunity to be fully heard and who would like to go first?

PAUL ROBERTS: I am Paul G. Roberts, President of Coca-Cola Bottling Company of Southern New England, East Hartford, Connecticut appearing for my own company and also as a representative and member of the Connecticut Soft Drink Association, made up of the Forty Plus Soft Drink Bottlers Operating in the State.

If I correctly interpret the situation, as it exists today, the attention of this Committee has been brought to the examination of Litter Control as expressed in Bill No. 1929 and perhaps to other bills by different titles with which I am not familiar.

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PAUL ROBERTS: First, may I say briefly, that considering the many bills covering both solid waste and litter that have been brought before the Committee during the past four years, that we are indeed fortunate to have a department of environmental protection, headed by a thoroughly competent and dedicated Commissioner and staff who have formulated and proposed and are in process of seeking legislation to implement a system of solid waste management and resources recovery and to establish a solid waste authority for a statewide program. I am sure everyone in this room is familiar with and applauds this plan, so recently publicized.

We have said in the past that solid waste disposal and resources recovery is a statewide responsibility for the State's citizens and businesses.

We have, however, and many, many groups throughout the State have continued our efforts toward recycling glass. In the Dayville Plant alone, of G.C.C., the initial 1970 effort accounting for 560,000 lbs. increased to 16,494,000 lbs., in 1971, and 36,016,000 in 1972. The amounts are continuing to increase,

Additionally, about 20% of these amounts are recycled in plants in New Jersey, from southern Connecticut.

About Bill No. 1929: This is similar to legislation enacted in Oregon that became effective in October 1972. Our position is this:

Littering is a behavioral characteristic. There is no evidence to support any contention that such a people characteristic can be cured by legislation.

There is evidence to support or reason to believe that the Oregon Law is going to change people's habits of littering. That law is discriminatory in that it makes it's thrust at less than 15% of the State's total litter. If it were 100% successful and it is not, there would be, still be a litter problem in Oregon, consisting of all the other items, other than beverage containers, that make up the average litter pile.

This does not mean that we are for litter -- we are not and we know that it causes an ugliness, an unsightliness, that we would all like to correct.

However, Oregon is the only state out of 50 that has passed such a law, the, with the one objective of eradicating litter.

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Let's look just briefly at what an adjoining State, Washington, did in 1970 - Page 7.

There is a big difference here - not an Act aimed at the 5% of litter caused by soft drinks and the 9% caused by beer along, but at 13 broad categories of products that can and do account for litter or as the Act states are reasonably related to the litter problem.

How is this accomplished? (Page 6 - the levy)

Furthermore, the State of Washington has recognized that it will take research and development of educational programs for their efforts even to partially succeed

Then why is it reasonable to expect a discriminatory attack on a small percentage of the items of which litter is composed will cure the litter problem?

What about those other eleven culprits referred to in the Washington Law that account for at least 85% of all litter?

All we ask is that we be treated like other corporate citizens of the State. I have been unable to find any published change in the opinion of administrator of the Federal Environmental Protection Agency, W.D. Ruckelshaus who said "official Federal policy is that there should be no restrictions on non-returnable bottles and cans because the restrictions do not seem to work."

There is no new evidence that such selected and discriminatory restrictions will work.

In the Congressional Record of October 14, 1972, our own Senator Weicker stated - Mr. President, there is much debate throughout the country on how best to manage the growing volume of solid waste that flows from our homes, offices, factories, farms, and institutions. There is no question about the fact that effective solid waste management is one of the major domestic needs of our times. It is unfortunate that some in both public and private life believe that the refuse problem can be solved by piecemeal and retrogressive approaches - that for example, we can reduce solid waste fallout to manageable proportions by outlawing

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the use by consumers of just some of the items that end up as refuse; or by forcing deposits on bottles and cans, or by placing burdensome taxes on some and not other products because they end up as trash.

Fortunately, there are others in this country - and I believe they are in the majority - who look forward in seeking solutions to our solid waste crisis. The people of the State of Connecticut speaking through their Legislators, their Governor, and their Department of Environmental Protection are among those who believe in progress rather than retrogression in protecting the environment of our beautiful State. They believe that we can move forward to our objectives by harnessing modern technology to the effective and hopefully profitable management of solid waste in Conn.

I wish publicly to congratulate the people of Connecticut, their farsighted Legislators, and the enlightened members of the Executive Branch of the State Government for their part in making Connecticut the first State in the Nation to tackle the problem of solid waste on a statewide basis. At the same time, I believe my colleagues in the Congress will be interested in knowing how the people of Conn. plan to solve their refuse problems. The program I am about to describe implements Public Act 845, enacted last year by the General Assembly giving the Commissioner of Environmental protection responsibility for statewide solid waste management. This Act requires a statewide solid waste plan by July 1, 1972 with implementation to follow.

In conclusion, I would like to try and correct the impression that I may have created that I, my company, or Connecticut soft drink bottlers are indifferent to all the negative aspects of litter -- we are not, neither is business and especially those companies that are related in some way to packaging.

For several years, the National Center for resources recovery, Keep America Beautiful, Inc., a number of leading corporation executives in soft drink franchise companies, in the Brewery Industry, in the Glass, Paper and Plastic Industries, have sought through R & D agencies to find ways to solve the problems of solid waste disposal, resource recovery and litter.

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Now they have concluded that solid waste collection and resulting resource recovery are tangible problems that are subject to technological approaches, that these approaches have been made and that containment of this problem is at hand.

However, having concluded that litter results from people's problems of behavior they have just created the necessary funding and assigned to scientific resources associates, under the leadership of Dr. Robert Allen, the task of creating a demonstration model, in some city as yet undecided, to try and determine what causes people to litter and what rewards will deter them.

Day before yesterday, a former president and still officer of one of the leading soft drink companies and a family official of one of the largest breweries co-chaired a meeting in Chicago attended by over 100 top officers of various package manufacturers and material suppliers and successfully funded this program which will begin at once, in fact, the organization began functioning yesterday at another meeting in Washington, D.C.

These industries are determined to do something about this unsightly problem.

In the meantime, we have other problems throughout the, our country that do not catch the headlights of public interest as do litter --but that are much more serious, that are destructive of human life and that are going to be harder to solve than the litter problem. So far legislation has not solved these either. The drug problem, crime, that supports the drug habit, the danger of walking our streets at night, the low regard for human life. Are our priorities in the right order? Can Legislation cure these ills?

We as soft drink bottlers feel that legislative restrictions will be unproductive and retrogressive as related to litter. We ask your thoughtful consideration of our position.

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REP. HARLOW: Thank you sir. Would you be kind enough to leave a copy of your Washington Law if you have it there or can duplicate it as I think it might be useful to the Committee.

REP. APTHORP: Mr. Roberts, I notice in your testimony you did not speak anything on the economy, basically the economy of reusing bottles over disposable. Heading a soft beverage company, do you feel that it is more economical to you to use disposable bottles than returnable bottles.

ROBERTS: Yes. The only thing is you can't use returnable bottles unless you can get consumers to buy them. They are still some few returnable bottles in very few places that are offered to the public. It is very difficult, almost impossible to get any meaningful distribution but this is the problem.

REP. APTHORP: In other words, your testimony is that it is cheaper to use disposables over reusables, is that correct sir?

MR. ROBERTS: Yes it is cheaper, it is to the extent that you get these returnable bottles back for reuse. A few years ago we had a rule of thumb and, in industry to the effect that you could get around 30 trips to a soft drink bottle, they were returned 30 times. We still have a few in my company, a few returnable bottles and most of the trips we are getting are around four and generally this is decreasing all of the time.

REP. APTHORP: Let's cut it right in half and say if you got 15 usable trips, at that point is it cheaper to use disposables over returnables?

MR. ROBERTS: It is cheaper if you can get 15 trips to a returnable bottle, it's low image of what this comes out to is that you are packaging, packaging cost is lower and you generally sell and would sell at a lower price.

REP. APTHORP: Where is the break even point?  
In other words, on four, are you breaking even there,

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three and a half, where do we break even?

MR. ROBERTS: I would say you break even no lower than three and I don't have the figures right here.

REP. APTHORP: I understand that. In other words, if I can get the public to return three, a reusable three times, as far as the dough goes, that's your break even point over disposables?

ROBERTS: No more than that.

SEN. GUNTHER: Mr. Roberts, by your own omission if the public would take and use returnable bottles it would be more economical for you and it is a better program and yet actually what we are talking about here, you say the public doesn't demand them, this bill would make them all returnable and consequently this should be more economical for you, shouldn't it?

MR. ROBERTS: Well Senator Gunther, we don't say that the bill will make them return them, in fact, the history where they have had such, they had in a short period, I don't think there is anything conclusive about what has happened in Oregon yet, but you see we have increased the deposit on one bottle that we have as a returnable which is in the quart area, 26 ounce, from 5 cents to 10 cents. The number of bottles that those bottles have come back has not increased at all and on the contrary gone down. We have increased the deposit on some bottles we put in coolers, generally vending coolers, which is a 6½ oz. bottle from 2 ¢ to 5 ¢. People are not paying any attention to pennies and deposits.

SEN. GUNTHER: Do you find them out in the litter when they have a nickel or a dime on them?

MR. ROBERTS: Do you find them in the litter?

SEN. GUNTHER: Yes.

MR. ROBERTS: You don't find them much because they are not buying them anywhere.

SEN. GUNTHER: Well the point here is if they are out there they are picked up and brought back and I just, I listen to you Mr. Roberts, we've been seven years up here, I think this is about seven times you have been up here and probably five times in the past two years, we keep hearing about the programs keep America Beautiful and research and litter and by God

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we don't see anything being done within the industry that's really made any inroads in it and I should say in seven years something should have been accomplished and I don't say nothing has been but I say damn little when it comes to the litter problem.

MR. ROBERTS: Well I will have to absolutely agree with you senator but, about the litter problem, but I don't believe the litter problem is a problem that we as bottlers can do anything about and the thing that I refer to, further research into it is going to try to find out, if they can, what causes people to litter.

SEN. GUNTHER: There is only one trouble, a lot of your statistical data and that goes on the piece type counts of litter. In other words they count cigarette butts as one piece and a piece of paper and that type of thing as another and I find a lot of fault with that, we talk about volume when we are handling a, solid waste and litter and this is a big volume factor when you take and compare the amounts of cans and bottles that go to volume to the amounts of cigarette butts and papers that are in there and also the biodegradability of them.

MR. ROBERTS: Well as I stated during my testimony, we are against litter but I do not know what we are going to be able to do about it.

UNKNOWN: Well, as I say, Mr. Roberts, I think this bill is one of the things that we think can be done and in an anti-liter law. I think...it is being done in Oregon and I have seen controversial reports, only controversial because you state that it isn't working, and there are other statistics that show Oregon, even though it has been a short time, has been working in many areas.

UNKNOWN VOICE: Mr. Roberts, do you have the equipment available in your plant to rewash bottles if this bill goes through?

MR. ROBERTS: Yes I do, some bottlers do not.

UNKNOWN VOICE: How long would it take in bottlers that do not to get the washing equipment in, what are we talking here?

MR. ROBERTS: Generally I am in process of planning for new machinery for 1974 and I know if I don't get the

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that there will be an increase now.

IRWIN: This is contrary as to what is told to me and again for the reasons cited, I mean with the additional costs of transportation I just don't see how it can remain the same.

REP. CHURCHILL: Let me ask you another question. Do, these trucks now that come in from Milwaukee, say, loaded with non-returnable bottles, do they go back empty?

MR. IRWIN: I would like to introduce Mr. McCassius, he is the UBA here.

MR. CASSIUS: Both on the Oregon situation and say such situation as Milwaukee, many times this is worked through a trucking firm so that the trucking firm shipping beer out one way, he's picking up another load and going back the other way so if you had to purchase the trucks to go both ways there would be an increased cost.

You brought up the item of Oregon and there is truth to the fact that at the present time the cost of beer hasn't gone up, in fact, some items have gone down. This is basically a marketing situation where because of transition in this market there is a fierce competition taking place at this time. Beer is an item, if you look over the long run, the price is, price of beer has not kept up with the inflationary trends in the U.S. You can look at beer now, as a six pack, and look at it 10 years and it, the price isn't the same inflationary trend as we have seen in other parts of industry. One of the reasons is that non-returnable containers have brought to the brewing industry economics they have not been able to find anywhere else.

In the question of Oregon, I think most of the people out there realize in the short run prices will be fluctuated. We see, though, a growth trend, over this year, that there will be a slight decrease in savings in this area.

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contribute as much to litter and the paper end of it and you have decals and bumper stickers and what not and believe me, for the amount of money that is spent, and today we still have the problem, I wonder what are we doing, are we just coning the public that we are going to do something, trying to educate them?

MR. MCCASSIUS: I think the pitch-in program was a program that was developed as an anti-litter, to show people that if there was a constant reminder either on TV or radio, or whatever, it is a reminder, we want it so people now will clean up before they litter and this is what we are aiming toward.

Let me mention that the program goes far beyond the final details, that is, vinyl decals, and other things. We are operating in the state now so we can find active programs so we, we are going into cities with chambers and helping them to organize in the school system so we can come up with educational systems within the school system and also community clubs, etc. It is an education campaign and think it is unfair to single out some material that we are using. Every where you look in the world today, somebody is using some material.

If it is the grocery bag you have or the bag you picked up your cleaning goods in or anything, but we are trying to use this final material apparently where we think it will be the most good; where it will be a reminder to not litter.

Maybe in the world today we have thrown away too many responsibilities; we've let these responsibilities go to somebody else instead of looking at ourself and saying do I personally responsibility not to litter, this is in essence what we are trying to do.

REP. HARLOW: At this point the chair would like to invite Commissioner Chase to testify, and subsequent to his testimony we would like to ask Mr. Hickey to step forward as it is our intention to move right through the lunch people, non-stop, and I would like to recognize the line forming on the left side of the room here in terms of sequence and we will call you and let you appear in that order.

... through the democratic  
... process we are engaged into to  
... citizens are subject to the same

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Sir, we did announce prior to the hearing beginning that we would have a line and would take it in that order and we would not have a sign up sheet and was announced by Sen. Costello. I appreciate your concern and we will consider your criticism, I wish you would defer to the honor of the Committee.  
Mr. Chase.

ASS'T. COMMISSIONER: My name is Richard Chase, Assistant Commissioner of the Dept. of Environmental Protection in charge of policy, planning and research and I would like to read a statement on behalf of Comm. Dan Lufkin.

"Connecticut today faces a solid waste crisis, how to deal with the 10,000 tons of refuse discarded each day in the State. The Dept. of Environmental Protection has taken decisive action to deal with that crisis. We've recently announced a program to develop a statewide system of resource recovery plants to reclaim about 80% of the material and energy value of our solid waste while reducing air, water, and land pollution.

The new system would also have substantially lower capital and operating cost in the conventional incinerator land-fill program. Connecticut also faces a litter problem of growing proportions. It is the litter problem not the solid waste problem that we are here to discuss today. We don't need to get into statistical arguments over the exact composition of litter, whether beverage containers make up 60 or 20% of all litter, by volume, weight or item count.

We all know, and I think the citizens of this State know that by driving or walking down a country road or to one of our parks or forests or down one of our beaches, that beer and soda cans and bottles, in fact, or the most highly visible and irritating form of litter. It is on this visual pollution problem that the citizens of Connecticut want action.

In my judgment, a purely voluntarily education approach will only partially succeed. We have had such approaches on a National as well as state level and yet the litter persists and grows. Keep America Beautiful keeps telling us that people start pollution and people can stop it. We agree but we think people should stop it not just by individual action but through cooperative actions through the democratic process as well, the process we are engaged into today. Only if all citizens are subject to the same

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REP. CIAMPI: Does it take longer to make a returnable bottle than a non-returnable bottle?

MR. FELDMAN: Yes.

REP. CIAMPI: Do you have to employ more people to make returnables?

MR. FELDMAN: No, the machine works slower.

REP. CIAMPI: Do you have to use more glass to make a returnable bottle?

MR. FELDMAN: Per unit, yes, just more sand, it's our cheapest cost. We found out through recycling, talking about energy, that on recycling glass, just using at the present time outside 10% an energy factor and this is not ready for publishing but it is a rule of thumb, I think Donovan will back me up, we reduced our BTU use 30% and this also extends the lifetime of a tank which is very economical for us. There is a lot of stuff in this recycling that we are just beginning to find out and 100% is where it excites me, I like it.

SEN. COSTELLO: I wonder if you could give us some costs break downs on bottles, returnables, non-returnables and also cans just so we would have some mental comparison? Take a 10 oz. can for instance.

MR. DONOVAN: I can't price some, my lawyer won't let me.

On containers, rule of thumb, and I cannot quote prices, I don't know if you can Harold, but the rule of thumb is the returnable is roughly the, double the cost of the non-returnable and that is a generalization.

SEN. COSTELLO: So if I could take a guess at a returnable bottle cost 6 cents a non-returnable would cost 3, is that the ratio that you are suggesting?

MR. DONOVAN: That's the ratio but it is a little higher.

SEN. COSTELLO: Would a can fit anywhere into that ratio?

MR. DONOVAN: I hope not.

SEN. COSTELLO: How about the plastic containers, do you know anything about those?

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MR. DONOVAN: We make plastic also, plastic, paper and glass packaging that's Owens, Illinois and the prices vary depending upon the plastic, the thickness, the purpose of it, there is no, I can't give you a valid comparison here. Generally, plastic prices, at the present time, would be higher for a beverage plastic container.

SEN. COSTELLO: Thank you.

REP. CHURCHILL: Mr. Feldman, I've heard from a number of people that the Dayville Plant will not accept the shatter guard or plastic coated bottles for recycling, would you comment on that and varify this.

MR. FELDMAN: I would be delighted to. Shatter guard is sort of a trade term by polyentholene coating that a glass company puts out and as far as I know there is only one user in New England that is using it on a limited test basis.

There really is not that much, if there was large quantity it would create a problem. Directly answering that question, we tell people we will not accept it; we haven't had any problems really yet.

There is another coating that's called plastic-shield that is a polystyrene coating put out by Bob Donovan's company and since we are both in the glass containers manufacturer's institute, this particular problem came up and since it was so new our two companies are working together and I, he asked me just while we came up, I think we've resolved that problem. I would be glad to get back to you when I find out but it really hasn't been that much of a problem.

MR. CHURCHILL: What percentage of glass, in the State of Conn., do you imagine you are handling now? I don't know whether you can estimate that but that's..

MR. FELDMAN: I don't tell Macy's and Macy's doesn't tell .... but I tell you, we enjoy our fair share of the business and we are considered a major supplier to the people of the State of Connecticut and think that's a fair statement.

REP. CHURCHILL: Mr. Donovan, you run a similar operation in New Jersey, is that correct?

MR. DONOVAN: No, I'm Environmental Affairs Manager with Owens, Illinois in the East and I'm responsible for our envir-

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rate of unemployment stands at more than 6% that concern is very great. It has been estimated that it ..non-returnable glass container production would effect all, nearly all 950 Union Members in Connecticut. These economic consequences will effect theeconomy of our entire State.

The Glas Bottlers Association of ES in Canada, AFL-CIO represents 55,000 glass container workers in 28 States.

Throughout the U.S. almost every state is trying to entice a new industry to come into their state. Some States like South Carolina and, offer free taxes, free water, free sewerage and as high as 12 years to entice industry to come into their State. Many States do extensive advertising to try to get industries to move into their State.

There has been quite a bit of disagreement as to what affect the ban, deposit, or tax would have on jobs.

The element figure would be determined by the number of trips a returnable container made. Although we do not agree with the number of 15 trips, we have used this figure in our calculation. The 15 figure seems to be the most prevalent one heard, this has been spoken to here too.

Our reasoning is as follows: If a bottle makes two trips then workers will make one bottle instead of 2. If a bottle makes 15 trips then workers would make one bottle instead of 15. If a bottle makes 40 trips as a woman once said, her maid carried the bottle back 40 times, then workers would make one bottle instead of 40. It is just that simple, the more trips the bottle makes the more people that would be out of a job. The more people out of a job the less money for paying taxes and helping the economy and the poor people on Welfare Rolls.

Our Union has worked on the litter problem for 17 years. We have spent our member's dues, dollars, to educated, to sponsor educational programs, about litter, and programs of glass collections and litter clean up.

We have supplied movies, litter bags, training programs and spent thousands of dollars, through advertising, educating people about litter. Our Union was one of

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the original supporters of Keep America Beautiful. Our Union was one of the main drives to keep the AFL-CIO active in their program. Our Union was one of the very first organizations to get involved in the solid waste problem.

Again, we spend members dues and dollars to try to come up with workable solutions to the problem. Our Union, as well as the Steel Workers' Union are members of the National Center For Resource Recovery.

We have been since its inception, our President Emetris, is on the Board of Directors representing labor with I.W. Able, President of the United Steel Workers.

The Center is doing excellent work and we hope to have workable solutions to all solid waste problems in the near future.

Our plant in Danielson, Connecticut, has quite an extensive recycling program. I would hate to see that anything would happen to this program because I can see a lot of use to it throughout the area of where I live and it extends for several miles.

I want to make a brief here on the effect of this returnable bottle on jobs that would effect my plant here. Using the 39.7% figure, the loss of jobs in Connecticut to the GBBA would be 287 jobs. Loss of support jobs would amount to 430 jobs. Total glass and glass support jobs would equal 717 jobs. 287 glass jobs stands \$10,452 equals 2 Million 999 Thousand and 724 dollars and loss in wages in glass jobs. 430 times 8,320 dollars equals 3 Million 577 thousand, 600 dollars lost in glass support jobs. Total loss in wages to Connecticut, in glass support jobs, would equal 6 Million 577 thousand 24 dollars. \$5.00 loss to the economy for each \$1 lost in wages equals 32 Million 875 Thousand 120 Dollars total loss to the Connecticut economy.

I heard some comments here from the various people on this one way bottle, particularly if the bottle was in the store the people would buy it. Where there are soda and beer bottles today, there are returnable bottles also. If you would watch the shelves of the returnable bottles, are piled up much straighter because

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they can't keep the demand for them. I think this tells the people something. If the returnable bottles were there for them to get, and this is what the public wanted, they would take the returnable bottles out before the non-returnable bottles.

Another example of this, being in the store, on the corner street from my house, a new Cumberland Farm Store opened up and they didn't have a non-returnable bottle in the store but they do have now and can't keep a supply in. They put a sign up in the door there telling the people we now have returnable bottles for your convenience. This must mean something to the public. I am sure it does to me because the fact is I take my bottles and have them recycled, I don't buy returnable bottles to take back to the store because it is inconvenient.

We have a program out there, you return your bottles and money is put into a fund for the member of the workers at the plant. We have a special place set up there for the people to bring their bottles back and the company pays us for the bottles and it goes into a fund for the members of that plant.

Another thing, I am against this bill, I don't think it will do the functioning of what we are actually after. It appears to me from the protest here that we are looking at the litter along the highways, moreso than we are just to getting rid of the solid waste litters which I think is the greatest problem and a sore eye, because most of the people that have these bottles at home, they get rid of them either through garbage or back to recycling program. Take the bottles along the road as Mrs. Davis did here in her statement, that the organization takes them up and sells them. Under the recycling program that we have here, at the Dayville Plant, they will buy these bottles whether you have the top broken off or the bottom broken off, but I don't believe that if a person took a bottle that was half broke up or crushed up back to the retail store that he is going to get his money back for it. I don't think this would happen and therefore the litter along the highway the people won't want to pick these bottles up. The recycling program gathers all this type of glass whether it is broke, as a matter of fact, for the convenience of being able to handle it it is much better to have it broke up because you can haul much more of it. Now, on behalf of the local Union there and the interest of everybody concerned, I would hope that this Committee could draft up some kind of a bill that would be more appropriate to reach

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for what we are looking for and being discriminating to the people. I remember last year when I was here, one of the members made a statement, let the men make the bottles and throw them out and let us worry about them, or shut the plant down and go out and go out and pick the bottles up and make your living. Well, I am not for either one. I think we have a problem that is an individual problem in teaching people to return or whether they returned it or not dispose of it in a proper way so that it would not be a sore eye along the road.

The other thing, that I don't believe this here deposit on the bottles would ever have any effect upon a good many of the people regardless of what deposit is on that bottle, if they have emptied it, and they so wish to discard it, it is going to go whether it has a deposit on it or not. I object to this bill and would like to work with the Committee in anyway possible that something that would be less discriminatory and less loss to people's jobs.

REP. CHURCHILL: Correct me if I am wrong, but you said that you yourself take non-deposit bottles, prefer them, but in effect what you are doing is taking your non-deposit bottles and take them to your plant because you are employed there and you have a system of returning the bottles and they are recycled and money is paid into a fund for the workers. In affect, what you are doing, it seems to me, is you really have a deposit bottle which is a non-deposit bottle, so you are using a deposit bottle system yourself and claiming that the incentive here is obviously that the fund gets the money so you bring the bottles back. I would like to know how this differs from the proposal that all bottles be deposit bottles.

MR. DAHL: Well the fact is that the bottles I take back have not had a deposit put on them.

REP. CHURCHILL: I understand that but you are getting money for them so they are really deposit bottles.

MR. DAHL: Well they are recycled bottles, this is what I'm saying. The handling of the bottle in the manner of which I am saying, is much more convenient, much easier, with less trouble to me to handle that bottle in that way then it would be to haul it back to the

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out there protecting the oil companies interest, although we realize that the beaches are our property as well.

REPRESENTATIVE HARLOW: Doesn't proper equipment or equipment inventory reduce the manpower requirement or am I confusing the technical aspects of the problem with the necessity to have many people there.

WALTER O'CONNOR: I think it would entail many people because there are only two commercial companies that are in business around this area right now and it would take a task force to clean up the New London Harbor with the last bill they had, it would be impossible. Now, the way I understand it, the city of Bridgeport, the oil companies were willing to give an oil tanker truck type tanker and a vacuum type pump. Now, these fellas would have to go out there in rowboats or powered motor boats and start vacuuming this area. Now it would take from now until tomorrow for one boat to get out with a vacuum cleaner so you would have to have enormous manpower. You would have to have much more equipment than the original initial equipment that was going to be supplied by the oil companies and I think that my personal opinion I think that are shirking their responsibilities and trying to put it on the communities and especially the fire fighters and I don't think its fair.

REPRESENTATIVE HARLOW: I'd like to ask Rep. Wagner or Senator Gunther to perhaps comment on that testimony in terms of either or both agreeing or disagreeing with it, in view of their experience, in terms of coastal legislation and coastal problems or oil spills. Senator Gunther, I defer you.

SENATOR GUNTHER: I'm very happy to react. I think he's 100% right. I don't think the responsibility is the community. I think we've got laws on the books that say that it is the responsibility of the gulf areas and the people that pollute in the State of Connecticut and the fact that is forced to the degree that it should be. You've got another bill in here right now for containment and removal requiring.....companies individually. I think they are 100% right.

REPRESENTATIVE WAGNER: Thank you Mr. Chairman. In general I agree with both the witness and with Senator Gunther. I read the bill however as to not going the full gambit of complete clean up operation, but as an immediate response to an emergency situation. In that instance if we are talking about deployment of an oil boom for instance, for containment and then subsequent arrival of commercial operations to do the clean up, it might be feasible. However, I do think that you've made an excellent point of the subject of manpower. These booms are large, unwieldy, if you have any kind of any.....any wind at all, you've got problems. I frankly think that it was a very good idea, but it's not too practical and that we would be better off trying to find ways that we can establish stock files of equipment in areas and either commercial concerns that are in the business to do this in the areas where the spills are most likely to happen.

REPRESENTATIVE HARLOW: Thank you Rep. Wagner. Our chairman, Senator Costello also has a question. Senator?

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SENATOR COSTELLO: Rep. McGill who sponsored this proposal is not here today. He is in Washington attending a National Conference on oil spills. He asked me to keep an eye on his bill today. It's my understanding that first of all, this does not mandate any training program for any, either volunteer or organized fire department that does not choose to participate. What I am asking you sir, is, would your organization oppose a program being made available to train those volunteer fire departments or even organize departments that might choose to be trained and be available to aid their community.

WALTER O'CONNOR: Well, Sir I feel this way, that any that a fire fighter gets, whether he be a volunteer or paid, is to his advantage and the communities advantage and we don't discourage schooling or training and as I spoke before, I wasn't against that portion of the bill. You have to be a professional fire fighter to understand the problems of manpower. The town of Ridgefield went paid fire department about 4 or 5 years ago and I was called to the community and asked to organize a union there and I listened to the young fella speak and I felt that he didn't need a union. You live in a healthy community and I was trying to discourage him and I said what caused you to get a paid fire department and he showed me pictures of buildings that burned to the ground during the day time because there was a lack of fire fighters. This is a cushy town, Ridgefield, they never saved a building during the day time. They stopped all the fires at night. If I lived in a small town, I would vote against this bill. You need your man power. You are limited during the day time, especially the volunteers. We, as paid fire department, have a different operation, but I'm speaking for the people that live in the communities, I fear this. I fear it.

REPRESENTATIVE GRANDE: (comments unclear)

SENATOR COSTELLO: Question by Rep. Grande. whether this is a mandatory or permissive bill. I'm thinking back to our Committee discussions. There was another bill before our committee which would mandate the use of local fire departments in this capacity and that bill was boxed after discussion in committee where the mandatory aspects were rejected and Rep. McGill proposed this bill indicating to us that it was not mandatory, so if there is confusion in the wording, I think his intent and that of the committee in having this drafted was not to mandate it and that can be corrected till we take further action on it. Thank you.

WALTER O'CONNOR: Mr. Chairman, under section II the sume of dollars is appropriated to carry out the purpose of this act. Would the state have to appropriate the money. Is this the way this bill is or would it be the community.

SENATOR COSTELLO: It would be to my understanding that if the department of environmental protection incurs the expense instituting the program, that would be born by this appropriation.

WALTER O'CONNOR: I don't think the bill has much of a chance.

SENATOR COSTELLO: Thank you Sir. The next is SB 2044, AN ACT CONCERNING THE ISSUANCE OF A REGULATED ACTIVITY PERMIT UNDER THE TITLE WETLANDS ACT. Commissioner Tunderman? Before the Commissioner begins, I'd like to say

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that we have approximately 4 or 5 perhaps 6 more bills before considering the environmental policy act. However, due to the fact that we started the public portion of the hearing a bit early, we will at that time go back and take testimony from anyone who would like to address themselves to the bills that we heard earlier before proceeding with the environmental policy act. I would assume that would be within the next 15 or 20 minutes barring the long testimonies. Thank you.

DAVID TUNDERMAN: I'll do my best. I'm David Tunderman, Assistant Commissioner of Environmental Protection and I'm referring to Committee Bill #2044, AN ACT CONCERNING THE ISSUANCE OF A REGULATED ACTIVITY PERMIT UNDER THE TITLE WETLANDS ACT.

We support the concept behind this bill, but as I understand it that is to waive the hearing requirement for small activities, but it appears that the bill does not carry out the purposes from its intended purposes. The bill provides an exemption from hearing requirements for permit applications to be conducted in a residential zone and there just isn't any necessary correlation between the impact of a proposed activity and its existence in a regulated zone. A very large wharf to accommodate several boats may well be constructed in a residential zone, but could have a major impact in a title wetland. Alternatively, a small fisherman may want to construct a catwalk in an area that happens to be zoned commercial and he, even though his facility would have a very small environmental impact on the wetland, wouldn't come under this exception and he would be required to go through all the formal requirements, including public hearings now required by Title Wetlands Act and that doesn't make much sense I think.

If the purpose of the bill is to exempt those activities which have little environmental impact on the wetlands, that ought to be the provision of the bill rather than an exemption an exception for lands in residential zones and I think that instead of 2044, Committee Bill #2040 on which I testified earlier comes closer to achieving that purpose.

SENATOR COSTELLO: Are there any questions? Thank you. Any further testimony on this bill #2044? Now we will proceed to Bill #8860 ACCEPTANCE OF GIFTS BY LAKE AUTHORITIES. We have a request on this bill to read a letter into the record which I will read:

The Lake Lillintonah Authority feels that lake authorities should be empowered to accept gifts, just as conservation commissions have the opportunity to accept gifts. It would seem that this bill could be written to parallel the conservation commissions' gift clause.

From time to time lake authorities have been offered either money or services from private individuals. Also, CL & P (which created our lake) has on several occasions offered \$5,000 to Lakes Lillintonah and Zoar to help implement cleanup endeavors. However, we have been advised by two different lawyers that legally we are not empowered to accept such gifts. Of course, our funding comes from the towns adjacent to our lake. If we were able to accept money from other sources it would lessen to some degree the burden on the local taxpayer.

TANYA METAXA: We also realize that there are dangers inherent in the acceptance of gifts, in particular gifts from industry. It is conceivable that some might interpret a "gift" to mean "bribe, payola, etc", therefore we feel strongly that a "no environmental strings attached" clause be a part of this bill. This would be for the protection, not only of the lake authority, but for the donor as well.

REPRESENTATIVE HARLOW: We urge that this bill be given favorable report.

John Lorenzo  
Vice Chairman, Lake Lillinonah Authority

TANYA METAXA: Are there any witnesses who wish to speak on this bill? If not, we'll proceed to bill #8859, AN ACT CONCERNING THE HUNTING OF DEER WITH PRIMITIVE WEAPONS.

TANYA METAXA: My name is Tanya Metaxa, I'm Secretary-Treasurer of the Connecticut Sportsmens Alliance, Legislative Director of Connecticut State Rifle and Revolver Association.

RDM: I speak in half-hearted support of this bill. I would prefer to have this bill not just concern muzzle loading rifle and muzzle loading shotgun, but to have deer made a game animal in Connecticut. We have the deer and we have the facilities to do it. However, this is a first step or a half way measure, I would support it. But, I would like to go on record as supporting the concept of the deer being a game animal. This is a concept of the fish and game department as long.....in previous years and I presume that section of the department of environmental protection still.....it.

RDM: I would like to make comment on this section of the statute and bring to your attention line 36 and 37 wherein any person while hunting with arrows shall have placed thereon the full name and address of the owner. This is a rather onerous burden being placed on the bow hunter to very little avail. The bow hunter who spends a great deal of money for each arrow does not recklessly with abandon shoot a something which he does not kill and if he does mame it he usually tracks it and proceeds to kill it when he gets a hold of it, therefore the archery hunters, bow hunters of Connecticut have found this to be an onerous discriminatory devise placed on them and I'd just like to bring that to your attention. Otherwise, I will support this bill, but would rather see a broadened version of it. Thank you.

SENATOR COSTELLO: Any questions from the committee?

REPRESENTATIVE HARLOW: I'm unfamiliar with a muzzle loading rifle. Does that have the effect of a shotgun or is that...if you could explain that to me?

TANYA METAXA: These are primitive weapons that load from the muzzle end which is the end which the bullets come out of.

REPRESENTATIVE HARLOW: I figured that much out.(laughter)

TANYA METAXA: A rifle is a slug which is in one piece whereas a shotgun has little pellets propelled there out of. It is a rifle. It would have a lower velocity than a modern day fire arm because the powder used in it and the procedure of loading, you would not have a high velocity cartridge in a rifle. It would be a lower velocity. Does this answer your question?

REPRESENTATIVE HARLOW: I think so.

TANYA METAXA: If you could be more specific, I'll try to help you out.

REPRESENTATIVE HARLOW: No, I just wondered if it was just as effective in terms of killing instantly as opposed to another form of weapon and the chance of ruining an animal and it getting off into the brush or something.

TANYA METAXA: I would say that the person behind the firearm is the determining factor, however if you take into consideration that a muzzle loading firearm is of lower velocity, it would be more likely if an accurate shot was in name, that you could have a mamed animal, however, we'll assume that a good hunter will shoot with a modicum of success. My point is that once you are broadening the hunting of deer to primitive weapons, you're not going very much farther in putting in modern day weapons which are much more suitable. The only thing that a primitive weapon does not have is the caring power, the distance. A muzzle loading firearm, the bullet will not carry as far as a high power rifle. But you can always make a hunting in Connecticut by rifle slug which would be shot gun with a rifle slug which we have very little carrying power than a shotgun.

REPRESENTATIVE HARLOW: Thank you, I think you've muzzled my question.

REPRESENTATIVE APTHORP: Rep. Apthorp, 45th, doesn't it bother you a little on these muzzle loaders, if you hit them and mame them with a lower muzzle velocity in this gun, he has no...to knock it down. Isn't a chance of a wounded animal getting off into the brush higher, due to lower muzzle velocity and no reloadability. In other words, he hasn't got a second shot there, that he can get off in a hurry. This bothers me about this bill.

TANYA METAXA: Well, you have a good point. A muzzle loading firearm is a one shot deal because if you go back into the revolutionary war history you know that when the British were coming, they fired in,,,,,and this, in ranks gave the time for the good old Americans time to reload, because each shot was, had to be loaded after the first one was fired and intail, quite a bit of pounding of various of parts of the explosive devise. This is a possibility and as I say, I'd rather see, that we go to a rifle slug and put deer on a open game season with season with .....restraints that we have on other game animals than we go on this half hearted business of opening it up to bow hunters to muzzle loaders and finally some day we hope to regular hunters with modern weapons. Thank you.

REPRESENTATIVE HARLOW: Thank you. Anyone else who would like to address themselves to 8859, HUNTING DEER WITH PRIMITIVE WEAPONS? The next bill on the agenda is SB 2064, AN ACT CONCERNING AIR POLLUTION CONTROL. Mr. Tunderman?

DAVID TUNDERMAN: I'm David Tunderman, Assistant Commissioner of Environmental Protection. Senator Costello, Rep. Harlow and members of the committee, Committee Bill #2064, AN ACT CONCERNING AIR POLLUTION CONTROL is a bill sponsored and supported by the department. Currently, when we issue an order to someone who is violating an air pollution standard, he normally

comes in to talk about it and if we agree on a remedial program, we'll issue a consent order which he agrees to and accepts and places him on an abatement program. That is a conference conciliation. If we can't agree then of course, the process becomes formalized and he has a right to hearing it and go to court and so forth.

Under current law however, we have to that exercise twice. The deletions in lines 32 and 34 provides that this conference and conciliation be done before issuing an order. Now, we do it as a matter of practice after and it seems unnecessary to go through it twice. That deletion in Section 2, lines 37 to 40 conforms with that and lines 40 1/2 to 42 again, this would place necessary language to carry that motion forward.

In additon, there is an added definition. In line 62 to 66 just to make the statute more explicit.

REPRESENTATIVE HARLOW: Any queries of the committee? Is there anyone present who would like to testify to 2064, AN ACT CONCERNING AIR POLLUTION CONTROL.

We will proceed to 8861, STATE AID FOR THE DEVELOPMENT OF MUNICIPAL RECREATIONAL FACILITIES. Sir, kindly state your name and the bill.

DAVID REED: I'm David Reed, Director for Community Development in the City of Milford and I'm here of course to support this bill.

I think, to make a long story short, about January of last year, I was looking for that four letter word we don't hear very often, "cash" and in the Federal Assistance book, it says that there's a land and water conservation fund back to 65' which provides for grants to states and thru-states to their political sub divisions for planning acquisition and development of outdoor recreation areas and facilities.

I went to Washington and I met with a Representative of the Bureau of Outdoor Recreation and I was asking him how do we go about getting some of these BOR Funds. He pointed out that in 49 of the 50 states it's very simple but in Connecticut for some unknown reason, I can't get them and he said that there was a legal opinion that was holding up the matters , so I came back and reported to our state representative that there seemed to be a problem and after a period of time we received a legal opinion and as you can guess the legal opinion was negative, that the city was under state law, prohibited from getting these funds.

I had made a promise to the BOR fellow that I would relay any information I got and I sent it to him and after the....he wrote back to me and he pointed that the land and water conservation act of 65'.....etc. Connecticut's Public Act, 872 Section 395 according to the February 14 letter, from the office of the State Attorney General, does not allow the expenditure of any of Connecticut's land and water conservation fund program apportionment by the municipalities for outdoor recreation development. The modification of this act to allow such use of course is the prerogative of the state legislature. We do feel that the state statute does however, reclude full participation of local ....government in the land and water

conservation fund program.

Well, I think you all know what's going on in Washington now. As a matter of fact they just got back from there and I think we know more than Washington knows as to what's going on in Washington right now. But, certainly there is a thing called the New Federalism, which is an attempt in my view, to return tax dollars to the tax payers and I kind of think, that this program which uses our tax dollars can be used for the development of our recreation areas.

As a final note, I just the other day, received a very nice document... large...which we are reviewing a plan of conservation and development in Connecticut and I notice that it had a policy in here number two which states to provide a wide variety of high quality outdoor recreational opportunities to all citizens with the highest priority given to the purchase and development of facilities in and near the states urban areas.

Under that, it talks of top priority to sites within and close to major population centers. So, I've said a lot of words about the addition of in essence two words to an existing state bill. The two words being and development. Now, I notice there is another bunch of words here, on 25% of the funds. I'm not quite sure what this is saying, but I believe what it is saying is that at least 25% of these funds shall be given to the cities and towns of Connecticut for development except that they obviously would be submitted only upon request. If that is what it says, I support it. Do you have any questions?

SENATOR COSTELLO: Any questions from the committee? Thank you very much. Is there any further on Committee Bill 8861, AUTHORIZING THE COMMISSIONER OF ENVIRONMENTAL PROTECTION TO RECEIVE CERTAIN FEDERAL FUNDS.

I've been advised that there will be a group of recreation directors desiring to testify on this bill and they have not yet arrived, so we may recall the bill when they do arrive.

We will proceed to SB 1729, AN ACT CONCERNING EQUIPMENT FOR CONTAINMENT AND REMOVAL OF OIL SPILLS. Does anybody wish to be heard on this bill? Would you use the hand microphone and identify yourself please.

DEPUTY CHIEF WILLIAM J. KENNEY: I am Deputy Chief William Kenney, Hartford Fire Department. I'm the Legislative Chairman of the States Fire Chiefs Asso. and a representative of the State Firemens Asso. Legislative Committee.

I rise to favor this bill for the most part because of we are against bill 8767. Now, we believe that the oil companies should be responsible for cleaning up most of their spills and I have to echo the words of Mr. O'Connor who spoke earlier that local fire departments don't have the amount of personnel on hand to do environmental work as such. Local fire departments are there for the hazardous conditions that spills cause, when you have liquids that have a very low ignition temperature, such as gasoline, liquified petroleum gas, or any of these other things where fires are eminent, where it's a possibility there may be alot of damage, maybe a loss of life. But to stay with an oil spill of such where in rivers and streams or even on a road of the city highways for any length

of time, should be that job of the oil company who is concerned, but as I said before, your local fire department are ready for the hazardous conditions that may arise from a low ignition materials that spill.

SENATOR COSTELLO: Thank you sir. Are there any questions? Yes, Rep. Brunski.

DANIEL BRUNSKI: (question inaudible)

SENATOR COSTELLO: If I may repeat the question for the record, Rep. Brunski wants to know what equipment is available in the state to fight fires on highways and elsewhere from flammable liquids?

WILLIAM KENNEY: First and foremost, most of your companies today are carrying high expansion foam to cover oil spills. This of course puts a blanket over the area, and the spill prevents the oxygen from getting to the spill therefore the fire (we hope) will not ignite. We also have high and low velocity fog streams which in certain areas can be used to extinguish fires or even to loop the materials.

REPRESENTATIVE WAGNER: (inaudible)

WILLIAM KENNEY: The only ones I know of are the oil companies themselves, they do store quite a bit of foam. Yes, in Airports also. Thank you very much.

SENATOR COSTELLO: Anything further on SB 1729, EQUIPMENT FOR CONTAINMENT AND REMOVAL OF OIL SPILLS. Yes sir.

RAYMOND LANGFIELD; My name is Raymond Langfield, I appear here as President of the Connecticut Petroleum Association. We are a group of small independent oil men throughout the state of Connecticut whose businesses are here and whose families live here. In addition to which I am appearing as a professional engineer liscensed by the State of Connecticut. My liscense number is 8887.

I am appearing here in opposition to this committee bill 1729 CONCERNING EQUIPMENT FOR CONTAINMENT AND REMOVAL OF OIL SPILLS. I do not believe that this offers the answer any more this year than it did last year or the year before. Our problem in containing and removing oil spills is not the use of booms. In my professional opinion, the answer is to prevent oil from being spilled in the first place. Now, the oil industry has done a great deal in this regard and so has the engineering field. In the last few years we have developed methods and systems of preventing oil spills, specifically the pipe lines that go from the oil tankers into the oil storage tanks are tested annually, have 150% of normal working pressure. This is done throughout the state. Obviously, if a pipe does not leak at 150% of working pressure, it certainly is not going to leak during 80-100% of working pressure. In addition to which all hoses are periodically inspected to follow the same procedure.

Now, I have been keeping very close track of the amount of oil that is spilled by the small independent oil companies when they are unloading barges. To my knowledge, there has been a negligable amount. Under 25 gallons for the past year. Now, what is being asked of us to do is to take the booms

and I'm not sure whether or not they were as objective about the health aspects to some of these questions as we would be, but to answer your question I don't know about that.

REPRESENTATIVE HARLOW: Thank you sir. Is there any one else present who would like to testify on bill 1930?

TANYA METAKSA: I'm Tanya Metaksa, Connecticut State Rifle and Revolver Association, Connecticut Sportsmens Wives.

I'm here to testify for the substitute bill for 1930. Its' refreshing to see Mr. Glynn although he has reservations at last, on the side of the sportsmen. I think maybe we should get some testimony from the Bridgeport Hydraulic People who have been on our side for quite a while. I applaud Senator Gunther for his determination, fortitude and whatever have you, for re-introducing this bill and I hope that you will find it in your hearts to get it on the floor of the house and senate and pass it through. Thank you.

REPRESENTATIVE HARLOW: Thank you.

NEIL MCKENZIE: Mr. Chairman and members of the committee, my name is Neil McKenzie. I'm President of the Connecticut Water Co. and for the benefit of those on the committee as far as the areas which they represent, that particular company serves customers in the shore towns of Guilford, Madison, Clinton, Westbrook and Old Saybrook, Chester, Essex and Deep River. We also supply water to Naugatuck, a portion of Beacon Falls and the southerly part of the city of Waterbury. Our northern division serves the towns of Suffield, Windsor Locks, Thompsonville, Enfield, Warehouse Point, East Windsor, a portion of the town of South Windsor and Stafford Springs. So that you may get some indication of the areas that we serve and the people who would be affected and I speak at the moment because I was myself not aware of the substitute bill until only very recently having received a copy of Committee Bill #1930 which obviously I am vehemently opposed to.

As President of the Terryville Water Co., Thomaston Water Co., Collinsville, Broadbrook, Somers, and Rockville Water and Aqueduct Co., I speak to protect the interest of some 125,000 customers whom we serve in these various companies. Now that's in some twenty towns. My comments initially will be directed in opposition since that was the bill which was presented to the committee, 1930, the obvious fact that to open all reservoirs and water shed areas poses a fire hazard to our vast forested areas. Everybody is talking about open space, planting more trees for aesthetics, we have vast acreage which is forested and we've.....nurtured and planted 50-75 years in some of these watershed areas. Certainly we want that protected at all cost. Many reservoirs I would point out are in rather remote areas, particularly the storage reservoirs which are up stream of so called distribution reservoirs. As a matter of fact, we ourselves do not own all of the excess roads to some of these storage reservoirs, we go across to rights of way and easements other peoples property so that to allow access of all people who applied for a fishing permit means that they'd have to go across somebody elses property. True, we have rights of way for water supply purposes. There are no sanitary facilities to handle any large group of fishermen at these remote areas. They would have to be constructed. As a matter of fact many of our systems, particularly the small towns and I refer to places like Terryville, Thomaston, have only one reservoir, major reservoir to supply the entire community.

their water rates, whether they be municipal or private will probably have to double or triple because they will have to build rather expensive treatment plants.

The comparisons that I noted just a little while ago by one of the individuals with the huge bodies of water like.....which supplies the city of Boston and Croton that supplies the New York City, I don't mean to be critical but somewhat misleading, conclusions might be drawn from such a comparison, these reservoirs are many, many miles away from their consumers, miles not thousands of feet like our little reservoirs. They have ample time for detention of any possible pollution, ample time for chlorination and treatment of the water as it flows down to the pipes to the city and their capacity is 50-100 times larger or more than many of these small reservoirs that you would be speaking of.

There used to be a statement made that eternal vigilance was the price of freedom and having been in the water works business some 40 years myself, I think eternal vigilance is the price of purity in our water supply. If the public demand, as you know it is, is for higher and higher standards not a down grading, but a raising of our public water supplies as to their quality, their purity, their aesthetics, then certainly water quality is far more important to the majority of the people than recreational use is to a limited number, much as I respect the desires of the fisherman and the hunters.

If I think the entire general public in each of these communities had a chance to really put their signature on the line as to which they preferred, a possibility of contamination of their water supply against the opening of their reservoirs for hunters and fishermen and possible contamination and if possible, because the more human people are on water sheds, the more likelihood of contamination, I think they would vote in favor of purity of supply versus the recreation and the hazard of contamination. Thank you gentlemen.

REPRESENTATIVE HARLOW: Thank you sir. Just one point of clarification if I may, you said that there is the possibility of increased contamination if we indeed open up the water supplies and I want to relate that if I may to a statement that you made that it might possibly require more expensive treatment plants.

NEIL MCKENZIE: Very many of the supplies with the exception of the very large ones such as the Hartford Metropolitan District, New Haven, Bridgeport, our recent construction in Rockville, Greenwich, Stamford, many of them do have what are called complete treatment facilities, but many, many of the small supplies have simply chlorination and within recent years, flouridation as a result of a state law that's serving over 25,000 people requires mandatory flouridation. Other than chlorination, flouridation and the addition of certain chemicals, such as caustic soda, lime, and alum, for softening purposes and removal of iron and manganese, very many water systems in the state do not have, the emphasis is not, what are called complete treatment plants in the form of either slow or rapid sand filters or the more modern type with the peri-filter units, such as we've constructed in Rockville. So there would be the necessity. Look at the figures in the PUC Report, there are many companies and municipalities with an investment in their water department of only one half million dollars to a

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However, the proliferation of spot zoning, among other things, makes this a weak stick to lean on.

The state has no means of controlling private projects which cause erosion, or which affect sedimentation, and it has done little to set standards for aesthetic design.

The urgent need to do something about such inadequacies is being realized at the Federal level. Within the last two years, stringent directives have been proposed requiring the states to accept their responsibilities in the area of private development. For example, SB 268, sponsored by Sen. Jackson and co-sponsored by Sen. Ribicoff, among others, states that:

decisions of local concern will continue to be made by local governments. However, for land-use decisions which would have significant environmental impact beyond the jurisdiction of the local decision-makers, the act provides for wider public participation and review by the state, as representative of the wider constituency affected by those decisions.

An article from the Wall Street Journal of Thursday, March 8 emphasized this trend; as a result of a January 31 Federal Court decision on a suit by the Natural Resources Defense Council, the EPA stated that;

it would propose land-use regulations that could restrict the construction of shopping centers, sports complexes and other traffic generating projects..

Members of Congress have said all along that the 1970 Clean Air Act, which is the basis for the Government's wide ranging attack on air pollution fundamentally is a land-use law. But the pending proposals apparently would create development controls far more powerful than any previously established restraints.

Members of the legislature and the public in general must recognize the example set by the Federal Government in this area if we are to avert the fairly imminent prospect of a totally unplanned megalopolis covering a major portion of the state. Further, it appears that if they do not act, the Federal Government soon will. The uncontrolled spread of private developers all over the state can no longer be condoned or ignored as it is in this bill. It is the responsibility of the General Assembly to take action. I question, and ask the members of this committee to consider seriously whether a weak bill like this is any better than no bill at all. Thank you.

SENATOR COSTELLO: Are there any questions? Thank you very much.

LOUISE HALL: I am Louise Hall, from the American Association of University Women, Connecticut Division.

The State Executive Board of AAUW has directed me as State Chairman for our Environment Study-Action groups under the topic, "This Beleaguered Earth; Can Man Survive?" to state their strong support for a Connecticut Environmental Policy Act.

We are grateful for the sensitivity of the present State Administration, both executive and legislative, and for the skill and dedication of the Commissioner and the personnel in our first Department of Environmental Protection.

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REP. HARLOW: Thank you sir, we appreciate your remarks.

MR. POST: My name is Bill Post from Torrington and would like to speak on bill 8474, no relation to Russel. Ladies and gentlemen I disagree with Mr. Dipipo and I disagree with Mr. Parrent for different reasons. I would hate to see Stillwater Pond, and I have to call it the Old Grass....Dam years ago when I was a kid, I swam in there and I fished in there and it was an awful crime to see that pond drained out; all of those yellow perch, bass and pickerel, it is going to take a good many years for that pond to get back in shape again.

My opinion is, I don't know who owns it, and I don't care, I could care less; if he has plans for developing it he had better have some pretty damn good plans because the drainage up there is not very good as Mr. Parrent mentioned before.

I wouldn't want to see the man hurt, he bought the property to develop it, but I cannot see that area developed into shorefront property and have proper drainage and have a person buy a piece of land up there and live there and not live in front of a living cesspool and that's what you would have if you developed Stillwater Pond.

I would be in favor of the State Of Connecticut purchasing that area on several conditions. One, to maintain that as open-space area with future possibilities of developing it for recreation areas, picnic areas, perhaps boating, fishing, without spending a great deal of money to enlarging the road at Northfork Road. I think it is a nice area and I think if the state does decide to purchase it in all fairness to the proper owners it be properly appraised and fair market value assessed to it and the State has done ...procedures. I don't want to see the man burnt but I do object to having that property developed because I have seen it happen in the past, a man buys a piece of property and ends up with a detriment, not to himself but to the whole community.

There is a trailer court as Mr. Parrent pointed out before and I have my reservations as to what it has

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Park which is like 2 miles away; we have, Senator Mineto put a lot of time on Hall Meadow and we have that one mile away and we thought that the best use for the Brass Mill Dam land was to let it remain on the tax role, let this be a private area and I went to this hearing last night and don't agree with what Mr. Stickles said on the conservation and development plan. They had a hearing last night at the Univ. of Conn., and they consider private land as open space land and Still Water Pond is on that plan as private land, not necessarily public land, they say it can be private land, now what is the alternative if you don't buy it? The alternative is that it will always be a pond, what else are they going to do with it, it will be a private pond, there will be less people going there, everyone says that if they developed it it will have a sewage and environmental problem, well under the Dept. of Environmental Control we won't have a problem, they won't let it be developed if there is going to be a problem. But if you have 2,000 residents, and I don't think you will, of the State of Connecticut, that want to use that on a weekend that you people envision in the year of 2000, where are you going to put the sewage? Under this plan you refer to they will not let sewers run up to that area and it is all ledge and you can't even put a septic tank in there for any kind of facility such as you did up at Sunny Brook Park.

I do feel that you can't, in this case, do the emotional thing, I think a committee like this has to look at this thing coolly and I am sure that you will, and if we have a 1 Million 600 Thousand Dollars to spend on this area on environment, I can give you 114 different ways we can spend it and another, 115 will be by Still Water Pond and then you have a very very difficult point, I think you should give some time to, is it right to go up and take that guy's land after we, in the City of Torrington, at the time there wasn't State aid, turned down that land and this fellow had vision enough to see that this is a beautiful area, I will buy it and develop it, and he wants to develop it and doesn't want to sell it. Is it right for us to take this away from him? And we have, under your plan, that you are going to have before the Legislature, a figure of only 25% of the land available for permanent open

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spaces. In Torrington now, we have only about 2500 out of 40,000 acres, we have plenty of open space land, you can always take this pond by eminent domain if you have to at any time and for the price you are paying for it I feel that there are many many other ways that you can spend the money for environment although it is important and should be on the priority list I feel that it should be very low on the priority list, not very high on the priority list.

I oppose the bill of course. Thank you,

REP. HARLOW: Thank you sir.

REP. BONETTI: On regard to the sewers, are we not considering putting sewers up on Northfork Road for the University of Connecticut?

MR. TIMKIN: You may be, but the State doesn't want you to because they consider this a limited area and what I was doing there I was referring to remark made by Mr. Stickels about what the plan shows.

REP. BONETTI: We are considering sewers up on Northfork Road? This would take care part of the sewage problem for Stillwater Pond. You must also bare in mind that this is just an asking price, you've got to be in the real estate business, as well as a few of the other speakers, to know that the majority of us ask far more as to what we intend to sell the property for, also...

MR. TIMKIN: The man says that he doesn't want to sell the property, you shouldn't assume that he is just trying to get a higher price but I think that is being unfair to that gentleman, I would take him at his word and I think you should take him at his word.

REP. BONETTI: I do but I also know, and speaking to the real-estate agent, that one of his prices is 1 Million 3, so he has already dropped \$300,000 without any talking to the gentleman at all, he dropped done \$300,000 supposedly from this high asking price and as far as the eminent domain is I think the State definitely frowns on using eminent domain.

I think the State would use this possibly more on highways but they don't like to use it in condemning

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land for use of recreation areas. This would also be for the future, believe me, not maybe in our life time but this is for the future of for some of the people who are out here now.

MR. TIMKIN: I appreciate your remarks and I also hope you appreciate mine.

REP. HARLOW: Thank you sir. If, at this point, if I may, I would like to introduce to the people present Representative Gordon Vaill, from Goshen, who arrived a bit late for tonight's hearing.

MR. BLAIR: I'm Ed Blair from Torrington, Connecticut and relative to bill 8474 I am very much opposed to the State using taxpayer's funds, monies, to purchase that piece of property for 1 Million, 300 thousand dollars, I think it is absolutely absurd. I don't mind the man making a modest profit but I think that is taking unfair advantage of the taxpayers' of the State of Connecticut and in the city of Torrington and I know every inch of that piece of property.

Somebody mentioned two or three times the word development, where in blazes are they going to develop there and if he doesn't sell it to the State of Connecticut who in hell is he going to sell it to?

Absolutely, nobody in their right mind that develops property would take a second look at that piece of property for development. Thank you.

REP. HARLOW: Thank you.

MR. LOREY: Gordon Lorey from Morris. If the land is not developed it is obviously appropriate that it should be kept for open-space land. Any land that has an edge habitat is particularly valuable for this purpose. In ..... management work we talk about an edge being valuable for wild life well an edge, where land and water meet, is extremely valuable for people and is very attractive to people.

As far as the price is concerned, I think it will go

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no place but up, the mistake was not to buy it a long time ago but it would compound the mistake to turn it down at this point. I think, with some negotiation, it might be brought down.

If the area were developed and kept on the tax roles and developed this would be a mixed blessing, you would have to probably put up a new school as well as sewer lines and various other services.

Developing is an area is not the solution to the tax problem by any means.

REP. HARLOW: Thank you sir.

MR. BICKFORD: My name is John Bickford from Torrington. Mr. Blair just made a statement that he thought somebody would be out of their minds to develop Still Water Pond. Just 6 weeks ago, 1 Million dollar was made by a New York concern for Stillwater Pond. Morton Fine, of Hartford has laid out a very nice projected development in the entire area.

The New York concern that was interested in the property was fully aware that they would have to run the sewage and they were willing to take care of everything, and their offer was 1 Million Dollars.

People are saying, well is it worth it, it is worth it to somebody and if it is worth it to somebody else it's worth it to the taxpayer's of the State of Connecticut if they want it for a recreation area. To look back and say, well hell I could have bought it for \$90,000 10 years ago, that was 10 years ago, everything changes and if you don't keep abreast of it somebody is going to take that land, and it is developable and is a beautiful area. Thank you.

REP. HARLOW: Sir, if I may, would you be kind enough to tell the Committee if you are a realator or developer?

MR. BICKFORD: My wife is a realator and I happen to be an adjoining property owner to Stillwater Pond so I have been involved in this.

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REP. HARLOW: Do you know, by way of information, whether or not the plans submitted by the New York for development was submitted to the Dept. of Environmental Protection?

MR. BICKFORD: No, it never reached them, it never got to that stage, but the offer was made and Mr. Schwartz turned that down.

REP. HARLOW: Thank you sir.

MARIE MCCARTY: Secretary of the Torrington Land Conservation Trust and the Conservation Commission. Mr. Hogan, unfortunately, could not be here because of illness. I believe your committee is familiar with a master plan that was financed by two of the directors of the Torrington Land Conservation Trust. This was done by the Allen Organization which is an organization that specializes in park studies and they made a very complete study of the Still Water Pond.

We hear a lot of discussion to and fro as to whether or not it is a good area or poor area for various uses. When it comes to birds and animals, fish and things like that, they love Stillwater Pond in the whole area is ideal for a conservation area.

Do you have a copy of this plan?

REP. HARLOW: I do not think so.

MARIE MCCARTY: I would like to place this as an exhibit with the Committee because it shows how the various areas of the pond can be used for wide variety of uses for recreation some portions of it left alone for the roads and natural habitat for wildlife, we need that just as much as we need houses and there are many many other areas where houses and apartments could be put up and leave this very scenic very valuable Torrington area.

REP. HARLOW: May I ask you if it is the position of the Torrington Land Conservation Trust to promote development or limit development or promote recreational development?

MARIE MCCARTHY: It is the purpose of the Torrington Land Conservation Trust to preserve as many open spaces as they possibly can not only to the enjoyment of

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placed on the Consent Calendar. Mr. Clerk.

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THE CLERK:

Cal. 719, File 567. Substitute for House Bill 5020. AN ACT CONCERNING NOISE POLLUTION, as amended by House Amendment Schedule A. Favorable report of the Committee on Appropriations.

THE CHAIR:

Senator Costello.

SENATOR COSTELLO: (33rd)

Mr. President, this is one of the major bills from The Environment Committee this session which addresses itself to an area of environmental control which has not yet been effectively dealt with in the State of Connecticut except in part by our motor vehicle noise regulations and laws passed in the last session. Essentially what this bill does is address itself to the control of noise from stationary noise sources. Under the chairmanship of Rep. Clyde Sayre, an interim study committee conducted many public hearings and spent a great deal of time investigating into the entire problem of noise regulation. Public hearings indicated that there was considerable puzzlement in the business and industry world about how regulations, if they were too broad, would impact upon the commerce and industry of the state. The bill, before us today, is what I would define as a gentle beginning in this area. It authorizes the commissioner of environmental protection to promulgate statewide standards for noise control from stationery noise sources. It does not attempt to address itself to motor vehicle noise, aircraft noise, noise from certain exempted activities such as farming

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activities or state or local licensed sporting activities. I think that in the months ahead as the department promulgates these regulations and conducts public hearings in connection therewith, we will all learn a great deal more about the extremely complex science of noise control and regulation. I think this is a good start. It's a beginning of which we will all be proud in the years to come. I would move passage of the bill on the Consent Calendar.

THE CHAIR:

Motion is to Consent. Is there objection? There being none, it is so ordered.

THE CLERK:

Page 3 of the Calendar. Under Disagreeing Actions. Cal. 326, File 254. Substitute for Senate Bill 287. AN ACT DEFINING PHYSICALLY DISABLED, as amended by Senate Amendment Schedule A and House Amendment Schedule A. Favorable report of the Committee on Public Health and Safety.

THE CHAIR:

Senator Berry.

THE PRESIDENT IN THE CHAIR

SENATOR BERRY: (29th)

Mr. President, I move the acceptance of the Committee's favorable report and passage of the bill as amended by Senate Amendment Schedule A and House Amendment Schedule A.

THE CHAIR:

Will you remark?

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In accordance with our rules, those items will be removed from the consent calendar.

THE CLERK:

Page 5 of your Calendar, Calendar No. 704, substitute for H.B. No. 5107.

MR. STEVENS (119th):

Mr. Speaker, an amendment is being prepared to that matter, Mr. Speaker. May it be passed temporarily?

THE SPEAKER:

Is there objection to passing temporarily Calendar No. 704? Without objection, the item will be passed temporarily.

MR. STEVENS (119th):

Mr. Speaker, may the next matter, Calendar No. 706, substitute for H.B. No. 5779, An Act Concerning the Suspension of Licenses for Violations of Civil Rights, Public Accommodations or Fair Employment Practices Laws, File No. 570, be passed retaining its place on the Calendar?

THE SPEAKER:

Is there objection to the Majority Leader's motion to pass retain Calendar No. 706? Without objection, the item will be passed retaining its place on the Calendar.

Will the Clerk call the next item?

THE CLERK:

Calendar No. 708, File No. 567, substitute for H.B. No. 5020, An Act Concerning Noise Pollution, favorable report of the Committee on Appropriations.

MR. SAYRE (68th):

Mr. Speaker, I move acceptance of the joint committee's favorable report and passage of the bill.

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THE SPEAKER:

Will you remark on acceptance and passage?

MR. SAYRE (68th):

Thank you, Mr. Speaker. Of all the environmental pollutants, noise is among the most annoying, the least regulated and the easiest to abate. In 1972, the federal government passed the noise pollution control bill. By the end of this year, the environmental protection agency on the federal level is to publish criteria for protecting the public health and welfare, identify the major sources of noise and make recommendations for reduction of noise levels. In Connecticut, a coordinated state-wide noise abatement effort was launched in '72. The administration of the program rests primarily with the Department of Motor Vehicles, the Department of Transportation, the Department of Environment. Each agency has its own basic responsibility and each has been researching the field of noise pollution. One of the major purposes of the act before you today is to insure a coordinated program by these agencies, designed to eliminate overlapping and render mutual assistance in research, enforcement standards of noise pollution and to provide a centralized office for information to the public regarding noise pollution, its cause, effect and remedy.

Section 1 of the bill deals with legislative intent; where in section 2, the definition of terms in which note should be made of the term "stationary noise source" and this will be an important part of the bill as this is the major source of regulation and that's any building, structure, facility or installation which emits or emit noise and the important part of this is beyond the property line. This provides the scope within which the bill will deal with noise pollution. Cooperation of all state agencies is mandated in the bill with each agency having to consult with the commissioner of DEP in prescribing standards or regulations respecting noise and the com-

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missioner may request that an agency review and report to him on the advisability of revising their standards or regulations, if the commissioner believes they do not protect the public health and welfare. This provision assures the first to meet the requirements of this noise act will be the state. If our state government is in the business of passing laws and promulgating regulations, we must be the first to abide by these.

Section 4 ...the commissioner to develop, adapt, maintain and enforce a comprehensive statewide program of noise regulations and said regulations that may be applicable throughout the state, taking into account the magnitude and condition of use or operation of a stationary noise source using the best available and practical technology. The variance provision in this act is a very important one as it provides for the granting of individual variances from the provisions of this act, whenever it is found upon presentation by the petitioner that compliance with any provision of the act, any regulation promulgated under it or any order of the commissioner would impose an arbitrary or unreasonable hardship.

Section 5 refers to general statutes sections 22-86 as amended as to the enforcement powers of the act and mandates the establishment of programs of public education regarding the causes and effects of noise pollution. It makes provisions for the acceptance of the private and public funds for the purpose of abatement, the appointment of advisory groups in investigation of complaints, conducting tests and assessing degree of abatement required to correct violations of this act.

Also included in the act is a report to the general assembly and the Governor by the commissioner stating his recommendations for further executive and legislative action regarding the feasibility of a program of state certification of products determined to be of low noise emission standards. This report shall be given to the general assembly no later than

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March 15, 1975. The government, local government aspect, is an important one, with a budget of \$70,000 and a staff of six people, the assistance of the local government is vital to the success of this legislation.

Local governments may choose to adopt their own ordinance as they do now or act as an agent of the state in enforcing the state standard. Any municipality may adopt more stringent noise standards than those adopted by the state provided such standards are approved by the state. These standards may include noise levels which will not be exceeded in specific zones or other designated areas, designation of a noise control officer or board or commission or establishment of a new board set up to deal with noise pollution. Many cities and towns, notably Farmington, New Haven, Hartford, Danbury, Waterbury and Shelton already have set noise standards in recognition of this major pollutant. The noise zones are set by these towns in concert with the zoning definitions of light, heavy, industrial, commercial and residential and higher noise levels are permitted by day time use, work day use and more heavily populated areas of industrial or commercial use. The towns now have the power to adopt ordinances. This act will assist towns by providing information, expertise and a uniform state standard for a guideline.

Section 8 addresses itself to violations, compliance and section 9 is the civil penalty section which is already provided under 73-665 of the Public Acts of '73.

Section 10 relates to the fact that this act does not pre-empt any existing state law and section 11 provides the money, with the act to be effective July 1, 1974.

Although the act is effective July 1, '74, regulations will not be in effect until the general assembly approves them on or before March 15, '75. This gives the DEP approximately one year to promulgate regulations and provide the general assembly an opportunity to approve these regulations before

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they become effective.

The bill has the backing of Connecticut Chapter of the U.A.W. It has the backing of Connecticut business and industry, the Department of Environment and many citizens and conservation groups, hospital groups and the committee on The Environment itself. This act will not solve all our ills. This act does not endeavor to shut down industry and does not go as far as most conservation organizations wish it to. This act, in concert with the OSHA regulations for occupational safety and motor vehicle regulations provide a base for effective regulation of noise pollution.

Noise levels in our country and in this room have risen, more than doubled in the last ten years, and have risen by one decible over the past twenty-five years for a total of 25 decibles.

Your local government and the state government can effectively deal with the problems of noise pollution within this framework of technical assistance in measuring, evaluating the degree of noise pollution and a method of public education dealing with the effects of excess noise. This bill in our committee received the largest public support of any bill before the Environment committee. The people in the state recognize the existence of this pollutant problem and wish their state government to take action on the bill.

Mr. Speaker, I believe there is an amendment which will be offered to the bill.

MR. NEVAS (136th):

Mr. Speaker, the Clerk has an amendment.

THE SPEAKER:

The Clerk please call the amendment.

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House Amendment Schedule A offered to 5020 by Reps. Nevas, and Stevens, it's LCO No. 3060. Would you like the amendment read?

MR. NEVAS (136th):

Yes, Mr. Speaker, I would.

THE CLERK:

In line 47, after the word "facility" delete the comma and insert the word "or"

In line 47, after the word "installation" delete the comma and delete "on-"

In line 48, delete the words "site equipment or on-site activity"

MR. NEVAS (136th):

Mr. Speaker, I move adoption of House Amendment Schedule A.

THE SPEAKER:

Will you remark on adoption of House A?

MR. NEVAS (136th):

Yes, Mr. Speaker, while this is a short amendment, it's a very important one. One of the major concerns of many of us who support this kind of noise pollution legislation, anti-noise pollution legislation, has been the concern of many members of the public with respect to normal household activity, mowing the lawn, using a chain-saw in the backyard and other such normal activities that all of us engage in and the like. By this amendment, the words "on-site equipment or "on-site activity" are taken out of the definition of stationary noise source and it is our intention in offering this amendment to prevent the normal activities which I've just described from coming within the ambit of this legislation. Mr. Speaker, this is an amendment that will serve the best interests of the average homeowner in Connecticut. I support the amendment. I urge its adoption.

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Will you remark further on adoption of House A?

MR. SAYRE (68th):

Mr. Speaker, I would accept the amendment. It does clear up an ambiguity that we have wrestled with this problem. I have checked it out with my people and the commissioner's office and we would accept it.

MRS. CLARK (102nd):

A question, Mr. Speaker, to the proponent of the amendment. Does an on-site activity, would that prevent an ordinance in my local town from being drawn up that would insist that a factory that was annoying everyone in the residential area by the noise that came from it from being continued to operate in its present way?

MR. NEVAS (136th):

Through you Mr. Speaker, if the lady will direct her attention to lines 46 and 47, she will see that there is still within the definition of stationary noise source any building, structure, facility or installation. That is still covered by the act.

MRS. CLARK (102nd):

Thank you Mr. Speaker.

THE SPEAKER:

Will you remark further on adoption of House Amendment Schedule A?

MR. O'LEARY (60th):

Mr. Speaker, a question through you to Rep. Sayre.

THE SPEAKER:

Please state your question.

MR. O'LEARY (60th):

Would this bill as it's presently written, without the amendment, enable the department to control construction equipment?

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MR. SAYRE (68th):

Yes, it would, through you Mr. Speaker.

MR. O'LEARY (60th):

Would the inclusion of the amendment by removing on-site equipment or on-site activity eliminate the department's control over construction equipment?

MR. SAYRE (68th):

Through you Mr. Speaker, it is my understanding that it would not.

MR. O'LEARY (60th):

Through you Mr. Speaker, with the inclusion of the amendment, which portion of the bill covers construction equipment?

MR. SAYRE (68th):

Facility on line 47, and again in the local noise ordinance section, 236.

MR. O'LEARY (60th):

Line 236?

MR. SAYRE (68th):

Yes, and 222 and 223.

MR. O'LEARY (60th):

Another question to Rep. Sayre. With the inclusion of the amendment, would a factory which operates outdoor equipment be excluded from the provisions of the act?

MR. SAYRE (68th):

Depending on if it was what is considered an anchored-down, stationary source as such, but if its a facility, my understanding is it would be a regulated item.

MR. O'LEARY (60th):

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I have in mind a factory which operates heavy machinery outdoors.

MR. SAYRE (68th):

It would come under the bill. It is my understanding, it would come under the bill, under facilities.

MR. O'LEARY (60th):

As a stationary noise source?

MR. SAYRE (68th):

As an installation, through you Mr. Speaker.

THE SPEAKER:

Will you remark further on acceptance and passage? If not, would the Clerk announce an immediate roll call? All members take their seats.

All those in favor of adoption, indicate by saying aye. Those opposed? The amendment is ADOPTED. The Chair will rule the amendment technical.

Will the Clerk please announce an immediate roll call.

MR. CONN (67th):

Mr. Speaker, thank you Mr. Speaker. I'd like to rise in support of this bill. This bill is the outgrowth of a bill which I introduced in the last year in the legislature. This bill is very important to our citizens of the State of Connecticut for the fact that it compliments clean water and clean air to have a nice quiet atmosphere. And I would like to commend Mr. Sayre and the Environment Committee for the good work that they did on this bill and move its adoption.

MR. MC GILL (40th):

Mr. Speaker, thank you. Since I am one of the more succinct members of this assembly, it's probably very fitting that I talk about the noise pollution bill. We listen to much testimony in regard to this noise pollution bill. Most of this now was in favor of it. The only people that offered any objections were those in business and industry and in that sense, I would

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like to give you some excerpts from a position paper. It reads: one of the problems which businessmen have faced with increased alarm in recent years is excessive record keeping and reporting requirements and duplication of federal and state administrative agency activities. It was with this in mind that CBIA opposed the original draft of H.B. No. 5020. Not only did the approach of that bill become involved with activities already regulated in a very comprehensive manner by OSHA, Occupational Safety and Health Act, but also the new federal consumer product safety commissions, The EPA, the SAA and the State Motor Vehicles Department.

We are happy to see that H.B. No. 5020 has been redrafted in such a way as to minimize the overlapping of administrative agency regulatory activities. Approaching noise as it goes over the property line which is the gist of substitute of H.B. 5020 will insure a noise pollution free environment for Connecticut citizens, at the same time provide industry with the flexibility to accomplish compliance. With this approach, it will be up to industry to meet noise standards whether it is through additional insulation of walls, protective barriers or machinery insulation. Management will not be burdened with the necessity of applying the endless permits for its machinery and equipment and certification thereof.

CBIA would like to commend the Environment Committee for the balance it has struck in noise pollution. Substitute H.B. No. 5020 represents a reasonable approach and at the same time insures that all Connecticut citizens will have an environment free from the noise and the greatest extent possible.

Mr. Speaker, I'd like to point out that some of the bills we've passed in the last few days, for example on teacher's certification, teacher evaluation, everybody admitted that these were not perfect bills. Neither is this a perfect bill, but it is a step in the right direction. I heartily

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support it and I urge you to.

MR. BRAINARD (53rd):

Thank you Mr. Speaker. I couldn't let this opportunity pass but what I was reminded sir of the late Fred Allen in a broadcast back in the thirties and it might be something for the DEP to consider as a guideline for noise pollution. Fred Allen said to Portland, upon remarking upon the quietness of a summer camp that he had attended, he said, why it was so so quiet up there that you couldn't hear two toothless field mice chomping pussywillows in the middle of the meadow at midnight. That might be a good standard to start with. Thank you, Mr. Speaker.

MR. TIFFANY (36th):

Mr. Speaker, I would like to commend Mr. Sayre and his sub-committee for his work on this bill but for purposes of legislative intent, through you Mr. Speaker, I would like to ask Mr. Sayre if this bill would in any way prohibit or eliminate the use of noise makers in agricultural production.

THE SPEAKER:

Does the gentleman care to respond?

MR. AJELLO (104th):

Mr. Speaker, I hate to interrupt but especially when we're considering a noise bill, we over here have no idea what's being said. We just can't hear.

THE SPEAKER:

If the members in the rear of the chamber would please take their seats, it might be easier for the other members to hear what's going on.

MR. SAYRE (68th):

Through you, Mr. Speaker, in two sections, I believe that noise maker is taken care of. One which specifically deletes from the jurisdiction of this bill any farming equipment or farming activity. This was a very

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big consideration with the committee as farming activities are done on a seasonal basis and things like irrigation pumps and carbide cannons and such do have to be in constant use and probably would exceed the decible levels to be set. And then again, in section 10, the provisions and remedies under this act are not exclusive and shall be in addition to any other provision and remedies provided for in any other section of the general statutes.

I did also have a question regarding a fire siren, etc. and these are permitted by public law for the safety of the citizenry and this would also be exempt.

THE SPEAKER:

Will you remark further on acceptance and passage?

MR. O'LEARY (60th):

Mr. Speaker, a question through you to Rep. Sayre.

THE SPEAKER:

Please state your question.

MR. O'LEARY (60th):

In the document that was handed out to each member of the general assembly, toward the bottom, it said, this bill does not affect aircraft noise. They will be subject only to federal regulation but in line 112 and 113, it states that the commissioner will be able to develop controls on airport and aircraft noise to the extent not preempted by federal law, so it would seem by that wording that the commissioner would be able to develop some control over aircraft and airports, aircraft noise. How do you explain the discrepancy between this document and what the bill says?

MR. SAYRE (68th):

Through you, Mr. Speaker, on line 114, there was somewhat of an error in that sheet that we handed out to this degree. The stationary noise sources would be regulated, the installations as such, not the aircraft them-

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selves through FAA regulations where they do take precedent; and also, we would not pre-empt the powers of the local governments to act as proprietors of airport or under their police powers, so that it's a very limited and a fairly complicated sector, but I can assure you that the bill on its face would deal only with the stationary noise source. We can't interfere with flight patterns, etc.

MR. O'LEARY (60th):

Thank you.

MR. KABLIK(29th):

Mr. Speaker, through you a question to the gentleman bringing out the bill.

THE SPEAKER:

Please state your question.

MR. KABLIK (29th):

Rep. Sayre, and this is not facetious, would rock and roll bands at dances at high schools etc. in any way come under this. I have had the misfortune of having to chaperone a few.

THE SPEAKER:

Does the gentleman care to respond?

MR. SAYRE (68th):

Mr. Speaker, number one, if it was a state or a municipally sanctioned event, it would not. However, any noisy party that comes from a stationary noise source could come under the auspices of this bill. Yes, if it wasn't a sanctioned event.

MR. FOX (149th):

Mr. Speaker, a question through you.

THE SPEAKER:

Please state your question.

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MR. FOX (149th):

Rep. Sayre, your answer to the question just now leads me to ask what about bands, such as boy's club bands, junior drum and bugle corps, they practice. Would their noise be covered by this bill?

MR. SAYRE (68th):

Through you, I don't believe they'd be considered a stationary source, as such.

MR. EDWARDS (146th):

Through you Mr. Speaker, a question to Rep. Sayre.

THE SPEAKER:

Please state your question.

MR. EDWARDS (146th):

Motor vehicles are, will continue to be regulated under the Motor Vehicle Department according to the analysis I have and that would, I presume, include motorcycles which, with the exception of Rep. Rose, has been my greatest complaint locally. Now, does this bill allow standards to be set as to what should be a limit, separate and distinct from the fact that the department, the Motor Vehicle Department, would regulate. Do you see what I mean?

MR. SAYRE (68th):

Yes, I do. Through you, sir, the noise from motorcycles is the purvy of the department of transportation, motor vehicle department, and we do not intend nor can we by law interfere with their jurisdiction. What would be provided would be for a centralization of information in all areas and this would be the ...

MR. EDWARDS (146th):

Through you, Mr. Speaker, you would not be deterred from studies that would point out that perhaps the standards now used by the Motor Vehicle

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Department might not be strict enough.

MR. SAYRE (68th):

For the point of information, for the point of adopting future regulations for all three departments, no it would not.

MR. CRETELLA (87th):

Mr. Speaker, some questions through you to the proponent of the bill.

THE SPEAKER:

Please state your questions.

MR. CRETELLA (87th):

I want to direct my questions primarily to the construction industry and plants that are associated therewith. A quarry operation with a crushing operation existing on site--would such an operation be subject to the provisions of this bill and to what extent?

MR. SAYRE (68th):

Through you Mr. Speaker, under the municipal section, it is my understanding that it could be, as it is now, subject to local regulation.

MR. CRETELLA (87th):

What do you mean, under municipal sections?

MR. SAYRE (68th):

234, notwithstanding provisions of the subsection, any municipality may adopt more stringent standards and there again, on line 223, 221 through noise levels restricting application to construction activities including limitation on hours of operation on-site.

MR. CRETELLA (87th):

Mr. Speaker, a further question through you. Are you stating that a municipality can adopt ordinances to, if I understand your answer, municipality can adopt ordinances to control the noise from such a quarry. But now, let us assume that a municipality has not enacted any ordinances to control

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the noise from an on-site quarry. Would the operation of that quarry come under the provisions of the bill?

MR. SAYRE (68th):

Through you, Mr. Speaker, it is my understanding that through regulations, this could be done by regulation of maximum decible levels, yes.

MR. CRETELLA (87th):

And those levels, and those regulations are not part of this bill so we wouldn't know what those are going to be at this time, is that correct?

MR. SAYRE (68th):

Through you, Mr. Speaker, I don't believe that we're qualified to set decible levels as much through this general assembly. This bill would be in study committee for two or three years probably.

MR. CRETELLA (87th):

Now, Mr. Speaker, a question concerning road construction, for example, the operation of bulldozers, cranes, the trucks necessary to construct roads and bridges, are those vehicles and the noises they emit subject to the provisions of this bill?

MR. SAYRE (68th):

Through you, Mr. Speaker, they could come under the provisions of this act, it is my understanding.

MR. CRETELLA (87th):

Now Mr. Speaker through you, by that answer saying that they could come under the provisions of this bill, do you mean that they might come under the provisions of the bill depending upon the regulations that are adopted?

MR. SAYRE (68th):

Mr. Speaker, through you, the provisions of this act will allow regulations to be set up to govern decible levels of noise. Presently each

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town may set its own ordinance, can do that exact same thing, as of right now, so that it would be no change in the law. If we excluded this, we would be limiting the local powers of setting ordinances to regulate things such as construction activities and gravel operations. They have the power to do it now. They should continue to have that power.

MR. CRETELLA (87th):

Mr. Speaker through you, then, getting back to the right of the local community to adopt ordinances to control noise, I again get back to the main point of the question. If the municipality has chosen not to adopt noise control ordinances, does this bill take over and impose such regulation?

MR. SAYRE (68th):

Through you Mr. Speaker yes.

MR. MIGLIARO (80th):

Thank you, a question through you Mr. Speaker, to the proponent of the bill.

THE SPEAKER:

Please state your question.

MR. MIGLIARO (80th):

Mr. Sayre--

THE SPEAKER:

Would the gentleman hold his question. Would the members of the finance committee please meet in the speaker's office immediately?

MR. MIGLIARO (80th):

A question through you, if a man is sleeping on a summer night with his window's open, does this constitute a stationary object? And how about the snoring that might be.

MR. SAYRE (68th):

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Through you Mr. Speaker, it depends on the decible level. I think maybe we should clarify one thing. This bill will set maximum and minimum decible levels.

MR. MIGLIARO (80th):

Again through you Mr. Speaker, what decible level would be applicable to a heavy snorer on a summer night with his windows open?

MR. SAYRE (68th):

Through you Mr. Speaker, I doubt that it would come up to about 115 decibles which is the maximum duration for I think a half an hour. I could defer to Grant Anthorp if you wish any expertise on the decible level.

MR. CANALI (97th):

Mr. Speaker, a question through you Mr. Speaker.

THE SPEAKER:

Please state your question.

MR. CANALI (97th):

To the proponent of the bill, in essence then does not this bill give broad discretionary powers of assessing regulations and making determinations to the Department of the Environment as it relates to the bill?

THE SPEAKER:

Does the gentleman from the 68th care to respond?

MR. SAYRE (68th):

Through you Mr. Speaker yes. After this is reviewed by the general assembly, there will be regulations promulgated per decible level. This is something that this state has very little expertise in at this time. Local towns have less. This is going to be a broadbased guideline setting maximum and minimum decible levels and it is going to be permissive to the towns as to the enforcement of it.

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MR. CANALI (97th):

A further question Mr. Speaker. But none of those levels assessed by the towns in ordinance shall be less than the minimum as propagated by the Department. Is that correct?

MR. SAYRE (68th):

Through you Mr. Speaker, that is correct.

MR. CANALI (97th):

Thank you Mr. Speaker.

THE SPEAKER:

If all members would take their seats, the Clerk announce an immediate roll call.

MR. SHEA (105th):

Through you Mr. Speaker, a question to the proponent of the bill.

THE SPEAKER:

Please state your question.

MR. SHEA (105th):

Could Mr. Sayre tell me whether this would affect model airplanes flying. I believe they have a pretty high decible level.

MR. SAYRE (68th):

Through you Mr. Speaker, I don't believe that would be a stationary noise source as such with my determination and if it was a ...of any type it was a recreational endeavor that I'm sure would be municipally sanctioned before anything like that would be allowed.

THE SPEAKER:

If all members would take their seats, non-members come to the well. All members please take their seats.

MRS. CLARK (102nd):

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Mr. Speaker, speaking on the bill, I would like to congratulate Mr. Sayre and the Environment Committee for bringing out this bill in this session. I think that it is going to take a while for the state to hold hearings and set the regulations but this is much needed step in the right direction. I urge support of the bill.

THE SPEAKER:

All members take their seats.

MR. TRUGLIA (145th):

Mr. Speaker, a question to Mr. Sayre, if I may. In my district, I have a truck terminal and these seem to go twenty-four hours a day. They're not really stationary in that sense but as they leave and they come, there's a continuous roar starting and shutting of engines and in any way would this particular bill help my constituents?

MR. SAYRE (68th):

Through you Mr. Speaker, we've heard about your truck terminal. Unfortunately, it would be regulated by the Motor Vehicle Department unless the stationary noise source, the terminal itself or facilities on it, emitted noise, but the trucks themselves, no. Unfortunately at this time we wouldn't have that control.

THE SPEAKER:

If the members would take their seats, non-members come to the well.  
Question is on--

MR. HANNON (10th):

Mr. Speaker, I think it might be appropriate that to honor the passage of this bill that we suspend the rules and observe ten seconds of silence.

MR. BLUMENTHAL (50th):

Mr. Speaker, through you a question to the proponent of the bill.

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THE SPEAKER:

Please state your question.

MR. BLUMENTHAL (50th):

In the case of a sawmill, what would the regulation be? Would they come under regulation under this bill?

THE SPEAKER:

Does the gentleman care to respond?

MR. SAYRE (68th):

Through you Mr. Speaker, they, in my opinion, would be a stationary noise source, yes sir.

THE SPEAKER:

Question is on acceptance and passage of substitute for H.B. No. 5020 as amended by House Amendment Schedule A. The machine will be open. Has everyone voted? The machine will be closed and the Clerk please take a tally.

THE ASSISTANT CLERK:

Total Number Voting.....	137
Necessary for Passage.....	69
Those Voting Yea.....	130
Those voting Nay.....	7
Absent and not voting.....	14

THE DEPUTY SPEAKER IN THE CHAIR

THE DEPUTY SPEAKER:

The joint committee's favorable report is accepted and the bill is PASSED with House Amendment A.

MR. STEVENS (119th):

Mr. Speaker, may the next matter, Calendar No. 710, File No. 572, substitute for H.B. No. 5419, An Act Concerning Bond Bill Justification and Cost Estimates, be passed retaining its place on the Calendar?