

PA 11-101

HB5802

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2011**

**VOL.54
PART 11
3438 – 3771**

introductions? Any announcements or introductions?

Representative Lavielle of the 143rd, you have the floor.

REP. LAVIELLE (143rd):

Thank you, Mr. Speaker.

I just wanted to introduce a constituent from the 143rd District, from the town of Wilton, Helen McSweeney who is with us today on the floor. She is a travel consultant and living proof that the travel consultant industry is alive and well, especially for us in Wilton.

Thank you so much and I hope you'll all welcome her here today.

DEPUTY SPEAKER ARESIMOWICZ:

Welcome to the Chamber. And I'm sure some folks in here would probably like to talk to you for June 9th and thereafter.

Any other announcements or introductions? If not, we'll return to the call.

Will the Clerk please call Calendar 149.

THE CLERK:

On page 36, Calendar 149, Substitute for House Bill Number 5802, AN ACT ADOPTING CERTAIN SAFETY RECOMMENDATIONS OF THE THOMAS COMMISSION, favorable

report of the Committee on Energy and Technology.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Orange of the 48th, you have the floor, madam.

REP. ORANGE (48th):

Thank you, sir. Good afternoon to you.

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

DEPUTY SPEAKER ARESIMOWICZ:

The question before the chamber is on acceptance of the joint committee's favorable report and the passage of the bill.

Will you remark, madam?

REP. ORANGE (48th):

Thank you, Mr. Speaker.

Mr. Speaker, this legislation comes after the horrific tragedy that occurred at the Kleen Energy Power Plant in Middletown on February 7, 2010.

And if I could, Mr. Speaker, I would name this bill Dylan's Law, after he -- Dylan is now seven and I would name it Dylan's Law after my friend -- his late father, Ron Crabb.

He is so proud of his mother, as am I -- Jodi Thomas, for all the work that she has done over the

past year. She has attended both state and federal meetings and hearings where she testified and it was difficult for her.

Dylan, after learning that his mother was working, as her priority of workplace safety -- as her number 1 priority, Dylan was very happy to know that his mother was working to make and help us create this legislation and working to make it so that this type of tragedy would not occur in the future.

The first and most important thing that this bill does, Governor Rell, in our wisdom created the Nevis Commission and the Thomas Commission. And the first - - and the most important thing that this bill does is that it codifies Executive Order Number 45 which was issued by Governor Rell to ban the procedure of gas blows.

Mr. Speaker, the Clerk is in possession of an amendment, LCO Number 6505. May he call and I be allowed to summarize?

DEPUTY SPEAKER ARESIMOWICZ:

Will the Clerk please call LCO Number 6505, which will be designated as House Amendment Schedule "A."

THE CLERK:

LCO 6505, House "A," offered by Representatives

Orange and Dargan.

DEPUTY SPEAKER ARESIMOWICZ:

The Representative seeks leave of the Chamber to summarize the amendment. Is there objection to summarization? Is there objection to summarization? Please proceed, madam.

REP. ORANGE (48th):

Thank you, Mr. Speaker.

Mr. Speaker, basically what this amendment does is it cleans up some drafting within the legislation. It prohibits any person from using flammable gas to clean or blow gas piping, not just a person who constructs or operates an electric plant.

It establishes that the fee will be set by 29-251(c) of the Connecticut general statutes; be used in training of the -- for the fee to be set for the training of the local fire marshal. It increases the penalty to \$100,000 and up to two years of imprisonment, instead of \$1,000 and six months. And it also deletes certain qualifications of the special inspector.

Mr. Speaker, I move adoption.

DEPUTY SPEAKER ARESIMOWICZ:

The question before the Chamber is on adoption of

House Amendment Schedule "A."

Will you remark on the amendment?

Representative Giegler of the 138, you have the floor, madam.

REP. GIEGLER (138th):

Thank you, Mr. Speaker.

I rise in support of the amendment before us, but I would like to ask the proponent of the bill a couple of questions -- or the amendment.

DEPUTY SPEAKER ARESIMOWICZ:

Please proceed, madam.

REP. GIEGLER (138th):

Thank you so much.

The amendment before us brought a lot of clarity to the original bill. On line 27, Section D, Number 2, you made reference to the fact that there were three -- originally there were three ways to satisfy an inspector's experience and it is removed in this amendment -- two options.

By eliminating B and C, are we limiting the number of individuals who can qualify as inspectors?

DEPUTY SPEAKER ARESIMOWICZ:

Representative Orange.

REP. ORANGE (48th):

Thank you, Mr. Speaker.

Through you to Representative Giegler. No. It does not. It just -- the bill was kind of redundant and all did the same thing.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Giegler.

REP. GIEGLER (138th):

Also on line 29, it refers to the Connecticut Siting Council approving the inspector. Does the siting council have standards of their own for the inspectors?

DEPUTY SPEAKER ARESIMOWICZ:

Representative Orange.

REP. ORANGE (48th):

Yes.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Giegler.

REP. GIEGLER (138th):

I thank you for your answer.

You also made reference in the change in the penalty from a thousand to a hundred thousand. Is an individual subject to the same penalty as a company?

DEPUTY SPEAKER ARESIMOWICZ:

Representative Orange.

REP. ORANGE (48th):

Thank you, Mr. Speaker.

Basically, Representative Giegler, whatever party that violates the statute, whether it be the contractor himself or the subcontractor, would be in violation, would be paying the fine and subject to imprisonment up to two years.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Giegler.

REP. GIEGLER (138th):

Thank you very much.

Just to follow up on that, do you believe that the individual, would they be covered by their employer?

DEPUTY SPEAKER ARESIMOWICZ:

Representative Orange.

REP. ORANGE (48th):

Thank you, Mr. Speaker.

I would believe so, Representative Giegler, that people are insured when they're doing contracting or subcontracting work.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Giegler.

REP. GIEGLER (138th):

I thank you very much for your answer and I appreciate all your hard work and efforts on behalf of the town of Middletown on this tragedy.

Thank you so much.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, madam.

Will you remark further on the amendment before us? Will you remark further on the amendment before us? If not, I will try your minds. All those in favor, please signify by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ARESIMOWICZ:

Those opposed, nay.

The ayes have it. The amendment is adopted.

Will you remark further on the bill as amended?

Representative Carpino of the 32nd, you have the floor, madam.

REP. CARPINO (32nd):

Thank you, Mr. Speaker.

As you all know a year ago we had a horrible tragedy in my district and lives were lost and many more were affected. To this day those fears are felt by the constituents in the district and in surrounding

communities.

This is a step in the right direction and ensuring that this doesn't happen in anybody's district and doesn't affect anybody in the state anymore, ensuring our security. So ask for support from both sides of the aisle and making sure that each and every one of our constituents are safe..

Thank you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

I thank the gentlelady for her comments.

Representative Lesser of the 100th District, you have the floor, sir.

REP. LESSER (100th):

Thank you, Mr. Speaker.

Mr. Speaker, a year ago on a February morning, a Sunday morning, I was at home in my district and heard the windows rattle. And the -- later on that afternoon I got a sense of what had happened, the scope of the disaster in the city that I'm privileged to live in and represent.

And I went up to the site of the disaster that evening and again in the weeks that went ahead. It's been over a year since my community, the community that I live in was rocked by this terrible tragedy.

And this legislation has been the product of a great -- much effort, a lot of effort.

I want to commend Representative Orange and the rest of the Middletown delegation for their work on this issue as well as the Nevis Commission and the Thomas Commission and the U.S. chemical safety board and all of the investigators who have looked at this tragedy.

I rise in strong support of this bill. It goes hopefully some measure towards bringing comfort to the families of the victims of the tragedy, the workers who were there and I believe it moves our State in the right direction towards improving safety at power plants. I strongly urge adoption.

And thank you for your indulgence.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Representative Miller of the 122nd, you have the floor, sir.

REP. L. MILLER (122nd):

Thank you, Mr. Speaker.

I rise in strong support of the bill as amended and congratulate Representative Orange for all of her hard work.

All the new generation, electric generation plants that are being built, the choice of fuel is natural gas and we will probably see a heck of a lot more of these things going up in the years to come. And I think that adopting the safety regulations will go a long way in protecting workers who assemble these facilities. So I encourage the support of the Chamber.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, sir. Representative Srinivasan of the 31st, you have the floor, sir.

REP. SRINIVASAN (31st):

Thank you, Mr. Speaker.

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

DEPUTY SPEAKER ARESIMOWICZ:

Representative Orange, please prepare yourself. Please proceed, sir.

REP. SRINIVASAN (31st):

Thank you, Mr. Speaker.

This bill, as said by the previous speakers, a step definitely in the right direction and I fully plan to support this bill as well, but my question

through the proponent is, does this bill go far enough?

And it says that during the construction phase the inspector should have at least -- they have suggested at least one meeting during the entire process. My concern is on what basis that one meeting was decided because I feel that probably more than one may be required, you know, for something like this during the entire construction phase.

So is one enough, is my question? Of course, come to support it, but I felt that more than one meeting would have been required given the magnitude of what the construction is about.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Orange, would you care to respond, madam?

REP. ORANGE (48th):

Thank you.

Representative Srinivasan, it does state one meeting, but that doesn't mean that there couldn't be more than one meeting held in this instance.

And I also would like you to know as well as the Chamber that the U.S. Chemical Safety Board is

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watching this legislation to become a national model.

REP. SRINIVASAN (31st):

Thank you very much, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Srinivasan, thank you for your comments, sir.

Will you remark further on the bill as amended?
Will you remark further on the bill as amended? If not, will staff and guests please come to the well of the House. Will the members please take your seats and the machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting by roll call. Members to the Chamber, please.

DEPUTY SPEAKER ARESIMOWICZ:

Have all the members voted? Have all the members voted? Will the members please check the board to make sure your vote has been properly cast. If all the members have voted the machine will be locked and the Clerk will take a tally. The Clerk will please announce the tally.

THE CLERK:

House Bill Number 5802 as amended by House "A."

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Total Number voting	144
Necessary for adoption	73
Those voting Yea	144
Those voting Nay	0
Those absent and not voting	7

DEPUTY SPEAKER ARESIMOWICZ:

The bill as amended passes.

Will the Clerk please call Calendar 370.

THE CLERK:

On page 19, Calendar 370, Substitute for House
Bill Number 6538, AN ACT CONCERNING THE COLLECTION OF
BLOOD AND OTHER BIOLOGICAL SAMPLES FOR DNA ANALYSIS,
favorable report of the Committee on Judiciary.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox of the 146th, you have the
floor, sir.

REP. G. FOX (146th):

Thank you, Mr. Speaker.

I move for the acceptance of the joint
committee's favorable report and passage of the bill.

DEPUTY SPEAKER ARESIMOWICZ:

The question is on acceptance of the joint
committee's favorable report and the passing of the
bill.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PUBLIC
SAFETY AND
SECURITY**

**PART 2
319 - 658**

2011

The next speaker is Representative Lesser.

REP. LESSER: With the committee's indulgence, I'm bringing up a constituent of mine, Michael Rosario.

Good morning, Representative Dargan, Senator Hartley, Ranking Member Giegler and honorable members of this Committee.

I wish to testify in support of House Bill 5802, AN ACT ADOPTING CERTAIN SAFETY RECOMMENDATIONS OF THE THOMAS COMMISSION.

On a Sunday morning a year ago this month, as I was enjoying my morning coffee at my home in Middletown, I heard my windows rattle. As information started falling in, I soon had an appreciation of the terrible tragedy that had left six workers dead at the Kleen Energy plant on a hill overlooking the city in which I live. That evening I went up to the disaster site when it was still chaotic, and we still did not know if we'd been able to account for all of the workers. I saw the wonderful and selfless efforts of first responders and emergency personnel from all over the state and all over New England. I can assure you, honorable members, that the people of Middletown appreciate the help and support.

In the days and weeks afterwards at funerals and memorial services, I had the opportunity to meet with many of the family members of the victims and many of the workers at the plant, some of whom are here today. Mr. Rosario, here, is a worker at the plant and an officer at UA Local 777. In the aftermath of the disaster, there had been several investigations and reports into what happened. And it is clear today that the

disaster could have been avoided.

Former Governor Rell convened a commission headed by Commissioner Thomas of the Department of Public and Safety to look at the investigations into the causes of the disaster and propose remedies to ensure that this never happens again. This bill, one, bans flammable gas blows; two, requires that power plant builders pay to hire independent safety inspectors and train local fire marshals on safety issues; and, three, requires that the Siting Council work with other agencies to ensure that power plants are being constructed safely.

I urge the committee to report on these proposals favorably. This is not the last word on worker safety, but it is an important first step. We should all agree that nobody should have to put their life on the line simply to go to work.

Thank you for considering this testimony. Thank you for time and consideration. And I do want to particularly thank Representative Orange and Chairman Dargan for their leadership on this issue. It's much appreciated.

Thank you very much.

REP. DARGAN: Representative, does -- do you have any words you'd like to (inaudible)? No.

Questions from committee members? Any questions from committee members?

Senator Hartley.

SENATOR HARTLEY: Thank you, Mr. Chair, and thank you, Representative Lesser, for all of your work on this, and, Mr. Rosario, for being with us.

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lg/sg/cd PUBLIC SAFETY AND SECURITY COMMITTEE
February 15, 2011
11:00 A.M.

I first of all would like to say that this entire committee and General Assembly extends our condolence and have been struck by the terrible tragedy that happened that day.

And, yes, Representative Lesser, we need to deal with it in a very affirmative action and never go back there again.

I just have a question on some of the language if I might. The banning of flammable gases to conduct gas blows. Is that standard in the industry? What about OSHA?

REP. LESSER: Well, the -- the recommendation of the Chemical Safety Board which looked into the investigation recommended that OSHA ban flammable gas blows around the country. We've had a number of incidents around the country over the past few years where -- and there was a ConAgra plant that had -- that explodes a few years ago.

It has become abundantly clear that the flammable gas blows are an inherently dangerous activity. And that's why the federal Chemical Safety Board has recommended that OSHA ban it nationally. Unfortunately, OSHA -- OSHA's regulations -- regulatory structure had limited its ability to act quickly on this. And so we -- we've had support from our congressional delegation working to try to make it easier for OSHA to take on this problem nationally. But Governor Rell understood that this is a problem that we can't wait to address in Connecticut, and that's why she imposed a moratorium in this state by executive order. This bill would put that -- would codify that moratorium. And that's something that we -- we had recommended to us by the safety experts and also by the Thomas Commission.

SENATOR HARTLEY: So, then, Representative Lesser,

would we be the first in the country to do this
-- to ban this?

REP. LESSER: I believe so.

SENATOR HARTLEY: And help me out, what's the industry saying on this?

REP. LESSER: I have actually -- we've actually received no -- no negative feedback, at least that I've received. And I think the reason is because there are safe alternatives that are conventionally used. There are mechanical devices that can clean pipelines, and they're also inert gases that can be used. So there are -- there are commonly used safe alternatives that are available here today. In fact, the Kleen Energy power plant is back under construction, my understanding is, in Middletown, and currently they are using safe alternatives that are noninherently dangerous.

You know, after several, several deadly incidents around the country, we would hope that other states would follow Connecticut's lead on this and that the federal OSHA requirements would as well.

SENATOR HARTLEY: And it's such a shame that we have to do it for these reasons. And then, Representative Lesser, if I might, and then item number two, that requires a person. So were -- that person is the developer -- I'm referring to line number 3, that requires a person applying for a certificate to build. It that who we're referring to?

REP. LESSER: I believe that would be anybody with a proceeding before the -- the DPUC to build a power plant, yes. So any -- it would be a developer of a power plant -- would have to hire

an independent safety expert.

SENATOR HARTLEY: I guess my question is -- and we'll have to talk about this in the screening, is that the right word, is that indeed there.

And then my last question, if I might, is -- and then the training and the appointment of the special inspectors these are all going to be at the expense, not of the municipalities, but of the developer of the power plant.

REP. LESSER: That is correct.

SENATOR HARTLEY: So this -- what you're proposing to us is revenue neutral?

REP. LESSER: That's our intention.

SENATOR HARTLEY: Thank you so very much.

And Mr. Rosario, thank you for being here with us today.

I thank you, Mr. Chair.

REP. DARGAN: Further questions?

Representative Jutila

REP. JUTILA: Thank you, Mr. Chairman.

Representative Lesser, in your work in -- in putting together this bill and maybe in the Thomas Commission's work, did you discover why the safer alternatives were not already being used there? Is it because they're -- they're more expensive?

REP. LESSER: Representative Jutila, I don't -- I don't wish to speculate on the specifics in this

case, but I do believe that they are in some cases more expensive, and there's also a time issue as well. There's already natural gas available right on the site, but I -- I would have to defer to people more familiar with the specifics of this. And I know in other cases the time issue and the cost issue were an issue but, honestly, the difference is negligible. And we've heard unanimous recommendations from safety experts saying that this is an inherently dangerous activity to be releasing flammable gas in an enclosed area, and that we should adopt safer alternatives.

REP. JUTILA: I agree. It just seems so obvious to me that blowing natural gas, you know, throughout this building under construction was a recipe for disaster. And I can tell you that while you were enjoying your morning coffee in Middletown, I was sitting in my home in East Lyme and heard and felt it all the way down there. I mean, it's just unbelievable to me.

Thank you.

REP. DARGAN: Representative Orange.

REP. ORANGE: Thank you, Mr. Chair.

Thank you, Representative Lesser and Mr. Rosario, for coming and thank you so much for working with me. And I can tell the committee that a very good friend of mine passed away in the explosion, and I'm also very good friends with his wife who will be in later to testify. And I have gone with Jodi Thomas to congressional hearing regarding this issue, the Chemical Safety Board review to which you have been there as well. And we have been working on this together, and we -- we certainly appreciate -- I appreciate your help, Matt.

REP. LESSER: And I would thank you as well, Representative Orange, for your passionate leadership on this. We know how important this to you.

REP. DARGAN: Further questions or comments?

Hearing none, thank you very --

Representative Kirkley-Bey.

REP. KIRKLEY-BEY: Thank you, Mr. Chairman.

Representative Lesser, this unfortunate and tragic accident, how many recommendations came out of the Thomas Commissions?

REP. LESSER: I apologize, Representative Kirkley-Bey. I don't have the exact number in front of me. I can -- I can get back to you. I think some of the recommendations were directed towards the General Assembly and some were directed towards other bodies.

REP. DARGAN: Further questions from committee members?

Hearing none, thank you very much for your testimony.

Next presenter is Representative Berger.

REP. BERGER: (Inaudible.)

REP. DARGAN: Thank you very much for your testimony, Representative Berger.

Questions to Representative Berger.

to put a hardwire smoke detector in there. It is not much greater of an expense than to also include a carbon monoxide protection system while we do the new construction, so that may be part of a negotiated settlement on the (inaudible).

REP. ADINOLFI: Well, what I'm wondering is if we should be changing the state building codes to put it right in there for all buildings and just leave it at that.

REP. BERGER: Well, I'll look -- I'll forward to your leadership on that and --

REP. ADINOLFI: Thank you.

REP. ADINOLFI: -- I'll look forward to any compromise.

REP. DARGAN: Further questions?

Hearing none, Jeff, thank you very much for your testimony.

REP. BERGER: Thank you.

REP. DARGAN: Next presenter is Commissioner James Thomas from the Department of Public Safety.

COMMISSIONER THOMAS: Good morning, Representative Dargan, Senator Hartley and other members of the Public Safety Committee.

HB5341

I'm here to speak on two bills, House Bill 5802, which is safety recommendations of the Thomas Commission, and also House Bill 6327, regarding the statutory surcharge to enhance 9-1-1 fund.

And I've already presented written testimony so I won't bore you with that, but I will tell you that on February 7, 2010, I was in route to --

from Florida taking care of my mother and was unaware of what happened. We landed and the following day I got a call from Governor Rell and ask that I oversee a group to study the Kleen Energy explosion and to make recommendations after the Nevis Commission did its piece so it would not happen again.

And it was a very difficult process for us to go through, but we held it right here at the LOB. It was on CTN, and I do want to thank CTN for all of the public exposure it got. And the recommendations that are in this proposed legislation are basically the key elements for us: number one, an outright ban on use of flammable gases during the purging of any test. We had public testimony. We also had the Chemical Safety Board come, present testimony. We had -- it was open to many people. Other people testified. We had no adverse discussion against that outright ban. So at the end of our report, I wrote to Governor Rell and ask that she issue an executive order banning it right away just for any future situation. Throughout the testimony that we had at the Thomas Commission, we found other alternatives, such as nitrogen and compressed air, could do the exact same and would not put anybody at danger.

A key piece we also felt that the local fire marshals and building officials needed to have an independent reviewer to assist them with this very technical aspect. So the person -- and I think Senator Hartley asked about it -- would be chosen by the local officials, a local building official and fire marshal's office in conjunction with our fire marshal's office. The developer would be responsible for hiring this independent third party to assist during the technical review process. We think that's important. And we also believe this is ongoing. We think that over time

more facilities will be built in Connecticut. We want to be able to provide training, ongoing training, which we do, with all local fire marshals and state fire marshals, so we're asking that anybody who proposes to build a facility to continue to contribute to our education fund. And it's a self-revolving fund. We offer classes nights, weekends, whatever, because if you think of the 169 towns, not all of them have a full-time fire marshal, but they all do have fire marshals. And as a result, we have an ongoing commitment to work and train with them on an ongoing basis.

The last piece, which I think is extremely critical, is that the Siting Council consult with Emergency Management, Homeland Security, Public Safety, Consumer Protection, Public Works and labor to make sure we have a very strong plan in place before any of these facilities are granted a license. We feel it's a public safety issue. We believe in energy, but my most important thing, I spent 42 years of my life in public safety that's my overriding concern. And anything that we do at any plant should be only done with the permission of the local officials in conjunction with state officials working side by side with them. That's my testimony on the first bill.

The second bill, just regarding a surcharge on the 9-1-1 fund. As you are aware, we have done a lot of projects with that. If I can go back to the early days when we didn't have a 9-1-1 system in Connecticut, it was funded through a very small surcharge on all of our phones back in 1996, and we have a very good system, 9-1-1. At least now the law enforcement agency when anybody calls whether it be on your cell phone or a wire device, we know where the calls originating from and who the subscriber is and we can send our

HB 6327

-- if you think of all the people that have cell phones or other phones -- that Public Safety Data Network is going out free to towns and cities, but it's going to provide enhanced public safety services, again, for pennies on the dollar. It's a tremendous investment. So with that, I guess I'll take any questions that you may have.

REP. DARGAN: Thank you, Commissioner. Just before I open it up to other testimony from members, I would just like to thank you for the years of service that you've given to the state not only as director of Emergency Management and Homeland Security, then you thought you're retired and then Governor Rell called you back in to be commissioner of Public Safety and not only the years that you served the state but the communities that you represent. So on behalf of the Public Safety Committee and years of service within public safety, we congratulate you for your years of service and thank you very much.

COMMISSIONER THOMAS: Thank you.

REP. DARGAN: Questions from committee members?

That does not mean that since we did give nice comments that if you get caught speeding on the interstate on the way home that you will not get a ticket.

Representative Kirkley-Bey.

REP. KIRKLEY-BEY: I just wanted to ask him. Would you know how many recommendations were put in by the Thomas Commission? HB 5802

COMMISSIONER THOMAS: Yeah, we made eight recommendations. Some are attached to this bill and others that are dealing with regulations, et cetera. So one of our biggest issue, and I think

it's going to always come down to this is to banning of flammable gas to working with local officials to come up with a very strong safety plan that, to me, is the two most important things that we do. And we felt -- and I'll tell you -- we have a diverse group of people on the Thomas Commission representing labor, subject matter experts. We had multiple meetings and we really believe that if you adopt our recommendations, we can prevent this from happening in the future.

REP. KIRKLEY-BEY: Are there any new plants being considered at this time?

COMMISSIONER THOMAS: Not that I am personally aware of. I think that can really go through DPUC. And I think that's the key thing for us is to work extremely closely with our sister agencies to make sure, as things go forth, we develop that very strong cohesiveness and that we work together. I do really stress the local and state official partnership working with somebody who wants to put it in the plant. It's got to be that strong, strong partnership. Everybody, I'm convinced, wants to assure public safety. That's the most important issue.

REP. KIRKLEY-BEY: I just wanted to make sure we had time to get this through.

COMMISSIONER THOMAS: Yes, ma'am.

REP. DARGAN: Senator Hartley.

SENATOR HARTLEY: Thank -- thank you very much, Commissioner, for all of your service and not the least of which is your leadership on this Thomas Commission.

With respect to the bill --to adopt the

recommendation, so, are you telling me that normally the Siting Council does not participate?

COMMISSIONER THOMAS: Oh, no. They actually issue to the li -- the license. We want to make sure that they get written comments from Emergency Management, Homeland Security, Public Safety, labor, anybody who has any potential impact on a power plant. They do send out notices, but we're just mandating written comments. So we make sure that everybody's at that table.

SENATOR HARTLEY: So they're -- right -- right. Well, I understand what their process is in the Siting Council, but they don't weigh in with the various departments who are the experts with regard to safety.

COMMISSIONER THOMAS: Well, I think they offer the opportunity to provide testimony. We want everybody to be mandated to provide written testimony to DPUC so they can an informed decision.

SENATOR HARTLEY: Okay. So that happened --

COMMISSIONER THOMAS: Kind of informally --

SENATOR HARTLEY: -- sometimes and (inaudible).

COMMISSIONER THOMAS: Well, let's say, for example, if a plant came in and an agency decided not to have any comments or didn't have -- I want you to have to be the affirmative. We reviewed the plan and these are our recommendations or we have none. But you have to say that as the agency head or the commissioner that you've reviewed the plan, and you have to make an affirmative statement as to your review of the plan and any recommendations you want to give DPUC. Remaining silent for any of those agencies, would be

inappropriate I think.

SENATOR HARTLEY: Okay, yeah. It seems to me that it's kind of a coordinated effort amongst all of them on the siting of this (inaudible). And then on your creation of the coordinating council, but what are the charges of that council? So you'd say who makes up the council. What are they expected to do?

COMMISSIONER THOMAS: For the OSET Council?

SENATOR HARTLEY: It says, creates the coordinated council to serve during the -- during the construction.

COMMISSIONER THOMAS: That coordinating council would be members of the local fire marshal's office, the building officials.

SENATOR HARTLEY: No, I see who it is. What is their charge? What --

COMMISSIONER THOMAS: Their charge is to assure public safety and make sure -- that's our number one goal.

SENATOR HARTLEY: Do we need to spell that out?

COMMISSIONER THOMAS: Yes, I think you do.

SENATOR HARTLEY: Okay. So that's something in terms of our drafting. And could you, perhaps, give us some definitive language --

COMMISSIONER THOMAS: Yes, ma'am.

SENATOR HARTLEY: -- that we could incorporate? That's what I'm looking for. Thank you.

Thank you, Mr. Chair.

REP. DARGAN: Senator Eileen Daily.

SENATOR DAILY: Thank you, Mr. Chair.

REP. DARGAN: Senator.

SENATOR DAILY: Good morning. I, too, thank you for all your service.

On the E9-1-1 bill, has there any thought been given to including the fee on the throw away cell phones?

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COMMISSIONER THOMAS: That would be something that we should perhaps consider because I think the problem is you pay one time and that's it, but maybe we should carve something out. Because our goal really is -- and I'm a believer in even recycling your old phone because the only one you can get is 9-1-1 when you do that. But, you know, victims of violence -- of domestic violence get it. A lot people turn in their cell phone to the Verizon or the police departments or fire service. 9-1-1 has been a life saver for many people. It's something that should be considered as part of the fee structure because people will use it. It's probably one of the greatest tools that you could have is -- is call 9-1-1. So I think it's something that should be considered, Senator.

SENATOR DAILY: Okay. Thank you, sir.

REP. DARGAN: Representative Orange.

REP. ORANGE: Thank you, Mr. Chair.

Thank you, Skip, for all your services as been mentioned. You've done an incredible job, especially with your starting our wonderful

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department of Civil Preparedness and Homeland Security. And hopefully, it won't go too far. And I also want to thank you for your hard work on the Thomas Commission and your recommendations, the ones that are applicable to the public safety issues regarding Kleen Energy we are using, and we certainly appreciate you doing the work for us.

COMMISSIONER THOMAS: Thank you.

REP. DARGAN: Further questions?

Representative Mikutel.

REP. MIKUTEL: Yes. Good morning, Commissioner, and, again, thank you for your service.

I am -- was a little disappointed that you didn't speak to House Bill 5341, requiring collection of DNA from persons arrested for serious -- serious felony. I know you're in support of that legislation. Am I correct?

COMMISSIONER THOMAS: Yes, I am. The dilemma we have right now is that it has a serious fiscal impact. We have a very limited number of scientists at the Division of Scientific Services. It's within the Department of Public Safety. We have nine people who are under AARA funds, the American Assistant Recovery Act. And we have a backlog of literally thousands of cases. So we -- we're just trying to maintain what we have going right now. To take the DNA sample, which is probably not a bad idea, at the time of arrest is going to involve a lot of extra people and a lot of extra people at our lab to process it. We are now really concentrating and I can give you concrete examples of crimes of violence, murder, rape and robbery, those are the cases that we have to prioritize.

policymakers in the state -- for the state is different than a policy to individual business owners that happen to employ 10 persons or more to say if you have a member of a nameless association or a volunteer firefighter, you'll engage in negotiations or a conversation of whether or not that employee can leave to go fight a fire or go on an ambulance call. Correct?

DAVID LAPORTE: Correct.

SENATOR WITKOS: Thank you.

Thank you, Mr. Chairman.

REP. DARGAN: Further questions from committee members?

Thank you very much for your testimony.

Next presenter is Susan Bransfield, first selectman -- first selectwoman of Portland, followed by Douglas Christensen.

SUSAN BRANSFIELD: Good afternoon. My name is Susan Bransfield. I'm first selectwoman of the Town of Portland, and I'm here today to speak to the act adopting certain safety recommendations of the Thomas Commission, Bill Number 5802.

I'm going to be very brief in my comments because I've been here listening to the very eloquent comments that have already been made on this bill that I firmly agree with, and I will, as I said, be brief.

I'm here today to urge you to take every feasible step possible to prevent a recurrence of the horrible February 7, 2010, explosion at the Kleen Energy Plant in Middletown. The explosion killed

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6 people, injured many, and caused property damage not only in Middletown but also in the town of Portland, which is located directly across the Connecticut River from the plant.

Flammable gas blows should be banned in Connecticut. Kleen Energy has already accepted this. And it could hardly do less, given the Governor's Executive Order. The Town strongly urges the committee to adopt this section of your bill.

In addition, we strongly support that the applicant pay the cost of training special inspectors. We feel that is certainly very, very important, and also that the state clearing house that was discussed by Commissioner Thomas earlier, the Town commends this approach and urges the adoption of the safety recommendations of agencies. A coordinating council would serve during the construction of power plants and would include representatives from such agencies as the departments of Emergency Management and Homeland Security, Public Safety, Consumer Protection, Public Works, Labor in addition to other applicable state agencies.

The last comment that I wanted to make is that power plant applicants to the Siting Council should have to pay for the extra training which is required for local, fire and building officials that would need to deal with such complexities as these applications present.

As I know your committee is very aware, public safety is paramount to all else. I'm implore you to adopt the necessary legislation to ensure the safety of the public by adopting those pertinent recommendations of the Thomas Commission, and I thank you for your consideration.

REP. DARGAN: Thank you for your testimony.

Questions from committee members?

Thank you very much, Susan.

SUSAN BRANSFIELD: You're welcome. Thank you.

REP. DARGAN: The next presenter is Douglas Christensen.

DOUGLAS CHRISTENSEN: Good afternoon. I'm here to speak to Bill Number 6296.

My name is Douglas Christensen. I'm here representing the National Elevator Industry. I'm a senior field operations manager with Otis Elevator. As the national association of the building transportation industry, NEII works to promote safe building transportation for new and existing products and technologies and adoption of the current codes by state and local government agencies.

My own experience in the elevator industry began in 1984. I worked as a mechanic in the field, a field engineer, service supervisor, construction supervisor, modernization superintendent, and branch and regional field operations manager. I've been involved working with the code for the last 13 years. I thank the committee for giving me the opportunity to testify and discuss the importance of automatic adoption of the latest elevator safety codes.

The State of Connecticut should automatically adopt the updated version of the American Society Mechanical Engineers, ASME, safety codes because it ensures the greatest protection to the riding public and the mechanics that service the equipment. Advances in technology increase the

BILL ETHIER: No.

REP. ROVERO: Thank you.

BILL ETHIER: It's a \$2 billion national figure. I don't know what it would be here.

Was that a serious question that you -- you wanted --

REP. ROVERO: No. It's getting late and I'm a wise guy.

BILL ETHIER: All right.

REP. DARGAN: Thank you.

Is there further questions?

Thank you very much.

Next presenter is Linda Roberts.

LINDA ROBERTS: Good afternoon, Senator Hartley, Representative Dargan and other distinguish members of the Committee on Public Safety and Security.

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As you mentioned, my name is Linda Roberts, and I serve as the executive director of the Connecticut Siting Council. With me today is Melanie Bachman, staff attorney. We're appearing on behalf of Daniel Caruso, our chairman, who is presently conducting -- presently conducting a public hearing with the Council's eight other members in Old Saybrook regarding the siting of the cell tower. As you know, these hearings begin at two o'clock and, like yours, often continue well into the evening.

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I want to thank you today for the opportunity to provide testimony in connection with proposed bill, 5802, AN ACT ADOPTING CERTAIN SAFETY RECOMMENDATIONS OF THE THOMAS COMMISSION.

We share with you the hope that by such means, we may avoid a repeat of the regrettable events of last year. Before I continue, I do want to apologize, although the title in the written testimony is correct, the bill number is referenced wrong. It says "6250" and it should be corrected to say "5802."

First, I'd like to know that the Council has already incorporated the recommendations to both the Nevas and the Thomas Commissions as conditions to all gas-fired power plant certificates, including Kleen Energy's facility in Middletown.

In this regard, a brief overview of the requirements under which we must operate is helpful. While the Council has the authority on our own motion to modify certificates at any time if we find changed conditions, due process requires that we hold a hearing on these changes to reopen the records and modify the final decision, which allowed the plants to be constructed in the first place.

Since the Thomas Commission report was released, the Council has acted to reopen, on our own motion, the final decision of all previously approved gas-fired generating plants. This included a total of 42 dockets and petitions. We held three public hearings at the Legislative Office Building in December and expect to render final decisions next month.

We thoroughly agree with the Governor's directive to ban the use of flammable gases to conduct gas

blows. Requirement at least one special inspector to be assigned to be assist the municipal fire marshal during construction, and that local fire marshals receive training on the issues involved in the construction of gas-fired power generating plants. We also agree the cost of these initiatives should be borne by the applicant.

As to our specific comments, on Item 3, pursuant to Connecticut General Statue prior to commencing any hearing, the Council must consult with and solicit written comments from certain state agencies. Those agencies comments are made part of the record in the proceedings.

As a matter of course, we currently notice -- and there's a whole long list here -- the Department of Environmental Protection, the Department of Public Health, Council on Environmental Quality, the Department of Agriculture, the Department of Economic and Community Development, and the Department of Transportation.

In these manners, we deemed it prudent to also include the Department of Emergency Management and Homeland Security. We welcome the inclusion of the Department of Public Safety, Department of Consumer Protection, Department of Public Works and the Department of Labor.

Importantly, so that such requests are not reviewed as routine or inquiries which might be ignored, we recommend the designated state agencies be required to respond in writing within a set time period with specific recommendations or to inform the Council that they need additional time to respond or that they have no comments.

It's important that this be required because we

send out notices now when we received applications and often we receive no response where some of the agencies think that if they have no comments, they don't need to respond.

Furthermore, we support the creation of a coordinating council during construction. We strongly urge, however, including the requirement that the coordinating council report to us in writing on the satisfactory implementation of the approved development and management plan during the construction of the facilities.

In the event that the coordinating council reports to us that the certificate holder is not in compliance with the approved development and management plan, we also urge you include language that allows us to exercise our enforcement authority under the Connecticut General Statute as it relates to the certificate of the facility.

Thank you very much for hearing our testimony.

Attorney Bachman and I would be pleased to take any questions.

REP. DARGAN: Thank you very much for your testimony.

Any questions from committee members?

Hearing none, thank you very much.

LINDA ROBERTS: Thank you.

REP. DARGAN: The next speaker, Mike McCory.

A VOICE: (Inaudible.)

REP. DARGAN: I'm sorry?

A VOICE: Mike McCrory?

REP. DARGAN: Yes.

A VOICE: He left.

REP. DARGAN: Okay. Next is -- even though Representative Orange is on the committee, we really don't -- she doesn't testify really on the committee but her constituent, Jodi Thomas.

JODI THOMAS: Thank you, Representative Dargan, Senator Hartley, members of the committee.

My name is Jodi Thomas, and my husband Ron Crabb was killed in the Kleen Energy explosion on February 7, 2010. He was 42 years old.

I submit this testimony in support of proposed House Bill -- 5802, which my family and I support fully. Thank you for the opportunity to tell you about this wonderful man.

Ron was a man who lived and loved life every day. He loved his family with his whole heart. He inspired a loyalty in friends that I have seldom seen in my lifetime. He brought joy and laughter to so many people, even strangers. He touched a lot of people's lives. Everyone just loved him from the time he was a little boy. He was a very special person, the kind you only meet once or twice in a lifetime if you're lucky.

When he saw that something needed change, he tried to help fix it. When he saw that someone needed a hand, he gave it. He gave of himself freely and with joy. He always made you smile.

He also gave his time to the community, his union and the people of the state of Connecticut. He just completed a six-year term on the Town of

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Colchester, Board of Finance and served on its Democratic Town Committee. He was the immediate past president of the Connecticut Plumbers and Pipefitters Union, Local 777. Prior to that post, Ron served as recording secretary for the Local and as a member of the executive board.

Ron also served for six years on the Connecticut Department of Consumer Protection Licensing Board for heating, piping and cooling and sheet metal work. Having been appointed and re-appointed by two consecutive governors, he was honored with the Connecticut secretary of State's Public Service Award in 2003.

In addition, to being an extraordinary father, husband and public servant, Ron was very proud of his trade and his profession. He was a talented, skilled tradesman who worked very hard and conducted himself ethically and with integrity. He believed that everyone should have a voice and believed in focusing on unity and common ground. He was also a strong advocate for safety on the job.

It's honestly pretty difficult to talk about the effect of the tragedy on our personal lives so I will rely on my written testimony and my submission for that but what I can tell you is that the manner and cause of Ron's death have only compounded our families grief and the grief of everyone else affected.

This tragedy should never, ever have happened. It was preventable. This is why I urge you please do not allow his death to be in vain.

Real change and real protection for our workers must come out of this. The only way we can truly honor him and other men lost who their lives whose families are forever broken. Together with

the other tragedies that occurred from natural gas pipe purging and the world of heartache and loss that has resulted. The lessons here could not be any more apparent or urgent.

My family and I support wholeheartedly the enactment of HB 5802, AN ACT ADOPTING CERTAIN SAFETY RECOMMENDATIONS OF THE THOMAS COMMISSION.

We are grateful to the many co-sponsors of this bill and to all those who work so hard to formulate it. The one aspect of the bill to which we would like to add comment briefly involves the special inspector required under Section 2. We simply want to make sure that any such inspector be chosen under regulations or procedures adopted by the involved agencies so that independence will be insured.

We're very grateful for all the hard work of everyone and thank you so much for this opportunity to speak and for your work on these critical and important issues.

Thank you.

REP. DARGAN: Thank you, Jodi, thank you very much for your testimony. And it's good seeing you again. I saw that -- I know that Ron served on the Colchester Democratic Town Committee. So it's his fault that we have Representative Linda Orange here now but -- questions from committee members?

JODI THOMAS: Thank you for making me laugh.

REP. DARGAN: Questions?

Senator Daily.

SENATOR DAILY: You can blame him for my being here,

too, but all these statements that you made about Ron are total understatement. He was a wonderful man and a wonderful friend. And everybody misses him, not as much as you, but everybody misses him greatly.

JODI THOMAS: Thank you.

REP. DARGAN: Further questions from committee members?

Jodi, thank you very much.

JODI THOMAS: Thank you so much, Mr. Dargan.

REP. DARGAN: -- on waiting here and then testifying. Thank you.

The next presenter is Kevin Kowalski.
Kevin Kowalski here?

Okay. Let's move on. Next on the list is Senator Martin Looney. I do not see him either so we're moving along here.

Next is Mary Jane Fay. Is Mary Jane Fay still here?

MARY JANE FAY: Yes.

REP. DARGAN: You're up.

MARY JANE FAY: So -- my name is Mary Jane Fay. I'm an East Haddam resident. I have a business called All Phase Heating and Cooling, and I'm also here to represent the Plumbing, Heating, Cooling contractors Association, which I'm affiliated with. In February, I'll be the in-coming president for our association.

Our association is involved in protecting and

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BRIAN CARLOW: Thank you.

REP. DARGAN: Thank you.

Next is Kevin Kowalski. I hope he's not late for the bell for the fire as he is for coming to testify but good seeing you once again, Kevin.

KEVIN KOWALSKI: Thank you for this second opportunity.

Chairs, Senator Hartley and Representative Dargan, and members of the Public Safety subcommittee, thank you for this opportunity to speak to you today. I'm the fire marshal chair of the Legislative Committee of the Connecticut Fire Marshals Association. I come here to speak on three proposed bills.

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First, the ACT CONCERNING THE INSTALLATION OF CO DETECTORS IN SCHOOLS, we do support this concept of the installation of this potential lifesaving tools in school. We have seen the problems and injuries that have occurred when this colorless, odorless gas escapes, an improperly operating oil or gas operated appliance. However, we would like to assist this committee in crafting some improvements to this bill that'll make it work a little bit better.

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First, have the detectors installed only in areas that have possibilities to introduce CO into the environment, such as boiler rooms or just outside the furnace rooms. Installing units in the area, such as in schools that have electric heat, would only be an unwarranted cost to the school district. Also include the inspection requirements into the normal annual smoke and fire alarm inspections that are normally done by an alarm system certified inspector, which we would, as fire marshals, would go back and

inspect to make sure that it wasn't done.

The second bill is an ACT CONCERNING -- correction -- 5802, which we support the safety recommendations from the Thomas Commission about the installation requirements of the energy plant.

We have long sought the opportunity to receive training on technology and will look forward to the assistance of an expert to assist local fire marshals with these specialized facilities.

The third bill is 6296, AN ACT ADOPTING THE NATIONAL ELECTRICAL CODE, THE INTERNATIONAL FIRE -- correction -- THE PLUMBING CODE -- INTERNATIONAL MECHANICAL CODE AND THE INTERNATIONAL FUEL GAS CODE. On this one, we do not support this bill. Especially bypasses the process of code promulgation that the State has used successfully. It would guide the code requirement to only one publisher, the fire building code users would not be able to take the input process nor would it go to public hearing through the regulation review process.

However, in addition, the system does need some help. The system does need some help. As fire marshals, were using a fire codes that's dated 2003 where the building officials are using some codes are 2005.

So there is some assistance needed, and I believe that I agree with Representative Dargan in having a meeting with all the code constituents and promulgation committee to sit down and come up with a better way to do it.

And I may add to my written testimony, again, more -- is the opportunity to speak at this code committee would allow us to talk about the other

LORI PELLETIER: Safety hazard here in the Public Safety Room.

Senator Hartley, Representative Dargan, and members of the Public Safety and Security Committee, I'm Lori Pelletier. I serve as the secretary-treasure of the Connecticut AFL-CIO.

We represent women and men in all 169 towns working in a variety of industries. I'm here to testify in strong support of House Bill 5802, AN ACT ADOPTING CERTAIN SAFETY RECOMMENDATIONS FROM THE THOMAS COMMISSION.

No bill or law can bring back the six men who died a year ago when the Kleen Energy facility exploded. We can, however, work tirelessly to assure that no additional loss of life is ever seen. This is an issue that's personal to me in that the workers were members of the AFL-CIO, and the fact that I live less than a mile from the facility.

Every 16 hours, a worker is killed on the job, each and every day. So if you think about the fact the time clock starts at midnight, at four o'clock every afternoon, someone has died on the job. We need to make that our workplaces are safe. No, we don't have the workplaces that we had in the early 1900s but workplaces today still have issues that we need to make sure there is safety involved.

I appreciate all the work that went in with all the committee members on this bill and especially the delegation that had close attention in Middletown to this facility.

We look forward to working with the members of this committee and the entire General Assembly to get this bill passed and then to work with

Governor Malloy to sign this. This is the first step and it's a step forward, and I appreciate the committee's patience in this long day today. Thank you.

SENATOR HARTLEY: Thank you, Lori, and thanks for your very strong advocacy on this and other issues.

Are there comments, questions from committee members?

Seeing none, thank you.

LORI PELLETIER: Thank you very much.

SENATOR HARTLEY: Next is Amy Fontana from the Poison Center -- isn't that the Poison Center.

AMY FONTANA: Good afternoon, Senator Hartley, Representative Dargan, and other members of the Public Safety and Security Committee.

My name is Amy Hanoian-Fontana, and I'm the community education specialist at the Connecticut Poison Control Center at the University of Connecticut Health Center.

And I'm here today to speak with you about HB-5326, AN ACT REQUIRING THE PRESENCE OF CARBON MONOXIDE DETECTORS IN ALL PUBLIC SCHOOL BUILDINGS. And I would like to state that the Poison Center does support this bill.

We were directly involved with the care and treatment of this mass carbon monoxide poisoning that has been referenced to several times today in the town of Waterbury. As you may know, carbon monoxide is a deadly gas and a carbon monoxide detector is the only way for the average person to determine if there's carbon monoxide in the air.

If not, thank you.

BILL AND JANICE SMOLINSKI: Thank you very much.

SENATOR HARTLEY: Is Frank DaCato from Meriden with us still? Frank?

Oh, Joyce, you are absolutely more than welcome.

FRANK DACATO: How do you follow that? I'm a Connecticut citizen, raise my taxes. Do what you got to do. Let's take care of this. That's -- that's ridiculous.

Senator Hartley, Representative Dargan, members of the Public Safety and Security Committee. First, I would like to thank you for taking the time to hear me today.

My name is Frank DaCato. I'm the training coordinator for plumbers and pipefitters, Local 777. I am also a member of the State Plumbing Board, a state apprenticeship council, and I'm actually here today to ask you to support two bills.

HB6296

The first one would be 5802, AN ACT ADOPTING CERTAIN SAFETY RECOMMENDATIONS OF THE THOMAS COMMISSION. I'm not going to read you my testimony you have it. I actually emailed everybody last night a video. I don't know if you ever got a chance to look at it from the Connecticut -- from the Chemical Safety Board on the accident not only at Kleen Energy but one down -- similar down South Carolina, I mean North Carolina.

To say it was a tragedy is an understatement. I knew three of those people personally. They were not acquaintances. They were friends,

particularly Ronnie. You've already heard from his wife and there's nothing more I can say about adding to that but this does segue into Bill 6296, the act asking you adopt certain codes.

If you do look at that video, they do talk about adopting certain standards, particularly, NFPA 54, which is the National Fuel Gas Code Book.

You'll notice in your bill, it says "The International Fuel Code." I don't think we go by that. Unless something has changed that I'm not aware of, we go by NFPA 54, which is the Fuel Gas Code Book.

The young lady -- there was a young lady here before that testified she's going to be the first female president of PHCC. She mentioned that two of the codes come from the nineties. These codes change every three years. One of the codes that she talked about is NFPA 54. We are still using NFPA 54 from the nineties.

The people who spoke in opposition to this code admit that there's a problem and it has to be fixed. Well, it's been going on for a long time and it's not fixed so maybe it is time that we have to this legislatively.

Codes are -- technology for codes change quickly, particularly in the heating and the air conditioning sections -- building sections. Safety is a big concern. Again, NFPA 54 is going to be addressing gas blows. So, I mean, this is something we want to adopt.

Somebody came up before they mentioned the cost of adopting some of these codes -- and I don't know who said it and I apologize. I couldn't see because I didn't have my glasses on -- but somebody said, Well, if my daughter's safe in

Boston plugging in her hair dryer.

I'm not an electrician. I'm a plumber, but I do know this, she may be safe plugging in her hair dryer, but if you have a young child or grandchild, that person is not safe plugging in a paperclip into one of these outlets right here and that new code does address it.

So, yeah, maybe it does increase the cost of a house. I don't know, if it's \$1,000 but those tamper-proof plugs that that person was talking about if that person -- or that child were to take that paperclip and shove it in that hole, absolutely nothing would happen to him.

I just can't say enough about the safety involved with codes. You know, again, it's time something's done. Even the people who, again, are opposed to this recognize that nothing's getting accomplished. So maybe, again, legislation, we should get this done.

Again, I thank you, I know it's late so I'm going to cut it short. If you do have any questions of me, I'd be more than happy to try to answer them for you.

SENATOR HARTLEY: Frank, thanks.

How about, Joyce?

JOYCE WOJTAS: Good afternoon, members of the committee. My name is Joyce Wojtas and I'm here representing the Mechanical Contractors Association of Connecticut, and I also represent Local 777.

I just wanted to go on record in support of House Bill 8 -- 5802, concerning the Thomas Commission Report. I know that I want to express my thanks,

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especially, to the co-chairmen of the committee and Linda Orange for working on this along with the other co-sponsors.

This is a good bill and will do a lot to make Connecticut safer place when it comes to construction of power plants. The only thing I'd like to add and I've discussed this with Linda, not at length, was that in the Thomas commission Report they talked about the special inspectors being a mechanical engineer or someone holding a national -- a commission with the national board.

We have an American Society of Mechanical Engineers, and we believe that if that person should either be a Connecticut registered mechanical engineer or commissioned or registered with the National Association of Mechanical Engineers, American Society.

We'd also think that some penalty provisions should be put in the bill, and I've communicated that to Linda, also. That it would probably mirror the explosive statute's penalty.

Again, thanks so much for your work on this and to the NEVAS Commission and Thomas Commission, who really did a lot of research before they made the recommendation.

As far as the codes go, I concur with Frank because I think something has to be done. Even though, adoption, as they're worded in the bill that you have before you, might not be the way, but I think that you have to bring Connecticut more up to date with the codes, with changes. And if we have amendments to those codes, I know the committee -- the Standards and Codes Committee is volunteer but it takes too long.

Thank you.

SENATOR HARTLEY: Joyce, thank you very much.

And, Frank, thank you.

Yes, Representative Orange.

REP. ORANGE: Thank you, Senator Hartley.

Good evening, I guess. And I want to thank both of you for coming in and supporting the Thomas Commission Recommendation Bill.

And thank you very much, Joyce for working on this with us and I do believe that our LCO attorney is aware of those changes and, hopefully, we'll see that coming out.

SENATOR HARTLEY: Thank you, Representative Orange.

Representative Giegler.

REP. GIEGLER: Thank you very much.

Mr. DaCato, my question is in regards to 6296. It has to do with the codes.

My question to you is as far, as your licensure goes, as far as electricians, plumbing, mechanical, are they reciprocal to other states? Like for those of us that live on the border of New York State and Connecticut, would a plumber or HVAC contractor be able to work in the state of New York?

FRANK DACATO: Not to my knowledge, but understand that there are states that don't have licensing. So, you know, that that's a moot point for them. I believe in New York and -- please don't quote me -- I believe there are some locations in New York. It's not like Connecticut where we have a

committee. I'm sure it is since it's safety -- regarding five hours -- I'm sorry ten hours every five years. You know, you came out with that bill that was a great thing. So every five years, everybody right now has to retake their OSHA class to keep up the technology.

REP. GIEGLER: Now, OSHA doesn't look into this problem of utilizing the old codes?

FRANK DACATO: No.

REP. GIEGLER: Thank you, sir. All right. Thank you very much for your answer.

SENATOR HARTLEY: Thank you, Representative Giegler.

Further questions or comments?

Thank you so much for being with us and sticking with us.

FRANK DACATO: No, thank you.

SENATOR HARTLEY: Okay. Good to see you both.

We would like to invite Robert Duvall, although my cochair tells me, he's doing a movie.

And so perhaps (inaudible) not here.

REP. DARGAN: Last but not least.

SENATOR HARTLEY: And Cameron Champin -- Champlin.

Thank you. Good to see you, Cameron.

CAMERON CHAMPLIN: Senator Hartley, Representative Dargan, members of the committee, thank you very much for being here to listen to my testimony, and I'm going to be very short.

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HB 6296

I just want to concur with the previous speakers that were in favor of Bill 5802. I happen to know one of these gentlemen very well, and I did know other two, not as well, but the one thing that sticks in my mind, as a young man, I enjoyed the great outdoors with my father hunting, fishing. Ronnie was that type of guy with his young son. It's a tragedy what happened to him, and I know there's tragedies in all accidents and deaths but you have to move this bill along, 5802 is very important, and I appreciate you doing that.

And also on Bill 6296. I was going to testify to the fact that I thought a year would be enough but after listening to testimony here, I don't know what the answer is but I know we have to fix it. And perhaps even looking at the makeup of the board would be something that should be looked into to see who does serve on the committee.

And I know it's all volunteer, but it should be somebody that's interested in what's going on with the code. And I can't understand why it's got to be six years or more lag as Frank DaCato said. It's -- you know, there's some codes that's back in the nineties still, I mean, that's just unacceptable.

So, with that, I will wind up my testimony and thank everyone here for your work on Bill 5802, especially, Representative Orange and the cochairs. As I said, this is very important, and we appreciate what you are doing here. Thank you.

REP. DARGAN: Thank you, Cam.

Any questions?

Representative Orange.

REP. ORANGE: Thank you, Representative Dargan.

Thanks for sticking it out and being the last person to testify. Ronnie would be proud of you as -- as -- as you stated, he was one special person.

CAMERON CHAMPLIN: Sure is.

REP. ORANGE: And I think we are better off for knowing Ron.

CAMERON CHAMPLIN: Definitely.

REP. ORANGE: And I was supposed to go hunting with him actually, bird hunting.

CAMERON CHAMPLIN: You don't know how many times -- I used to -- as I said, I used to -- you don't know how many times we talked about him and his son and his son catching a big fish. It tore me up hearing her.

REP. ORANGE: I know and it's very difficult still to this day for us, and I think it always will be.

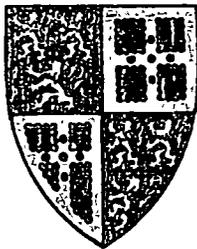
Thank you.

REP. DARGAN: Thank you.

Further comments from committee members?

Thank you very much for your testimony.

Is there anyone else that would like to come before this committee who had any comments? For the second time, is there anyone else that would like to come before us?



TOWN OF OLD SAYBROOK
Office of the Fire Marshal
Donn V. Dobson Fire Marshal

302 Main Street • Old Saybrook, Connecticut 06475-1741
Telephone (860) 395-3133 • FAX (860) 395-1216
Email: ddobson@town.old-saybrook.ct.us

Good Morning, My name is Donn Dobson; I am the Fire Marshal for the Town Of Old Saybrook, a member of the Board of Directors for the CT Fire Marshal's Association and President of the CT Chapter of the International Association of Arson Investigators.

I am here this morning to speak in favor of **House Bill 5326, AN ACT REQUIRING THE PRESENCE OF CARBON MONOXIDE DETECTORS IN ALL PUBLIC SCHOOLS.** The Fire Marshal Community does support the concept of having Carbon Monoxide Detectors in schools. Carbon Monoxide Detection has shown to be an invaluable tool in one and two family homes, since the bill passed several years ago. It would only make sense then to put them in place where our children are for eight hours a day through the winter months. This winter has been especially hard on school district heating systems in general, especially those that have not been maintained or serviced, possibly putting school children at risk. Installing and maintaining Carbon Monoxide detection in schools will only help to alert schools to the potential of deadly Carbon Monoxide. The question remains as to where to put these detectors? My suggestion would be to put them in areas outside of the boiler and furnace rooms and to have them monitored, in conjunction with the fire alarm system. The maintenance and servicing should be left up to a licensed and certified alarm technician, also similar to the requirements in the fire alarm code.

The second Bill I would like to speak on is **House Bill 5802, AN ACT ADOPTING CERTAIN SAFETY RECOMMENDATIONS OF THE THOMAS COMMISSION.** The Fire Marshal Community is in favor of these recommendations and welcomes and technical training and assistance in these specialized facilities. The real need is at the code level that will also assist the fire marshal. The current propane code is 16 years old and the current gas plumbing code is 19 years old and the natural gas code is 17 years old. All of these codes have been changed and updated at least 5-6 times respectfully. It is time that the State of Connecticut embraces the changes similar to that of the electric code, which gets updated without a lot of fanfare and get up to date with the current codes.

The third Bill I would like to speak on is **HOUSE BILL 6296 AN ACT ADOPTING THE NATIONAL ELECTRICAL CODE, THE INTERNATIONAL PLUMBING CODE, THE INTERNATIONAL MECHANICAL CODE, AND THE INTERNATIONAL FUEL GAS CODE.** The Fire Marshal community is **NOT** in Favor of this bill. This process would circumvent the already successful process to which is already in place, to name the code in Statute, which creates problems down the road with any kind of technical changes or code editions. This would really handcuff the process. This would also tie the State of CT to one particular code publisher and allow for the Building and Fire code users to not have any input to the promulgation process.



CONNECTICUT FIRE MARSHALS ASSOCIATION

To: The CT legislature
Committee on Public safety
And Security

February 14, 2011

Chairs Rep Dargan and Sen. Hartley and the members of the Public safety and Security Committee. Thank you for this opportunity to speak to you today. I am Fire Marshal Kevin Kowalski Chair of the Legislative Committee of the CT Fire Marshals association. I come here today to speak on three proposed bills.

The First bill is AAC The installation of CO detectors in schools. We do support this HB5326 concept of the installation of this potential life saving tool in school. We have seen the problems and injuries that occur when this colorless odorless gas escapes from an improperly operating oil or gas operated appliance. However we would like to assist this committee in crafting some improvements to this bill that will make it work better. First, Have the detectors installed only in areas that have the possibility to introduce Co into the environment such as in the boiler rooms, just outside of furnace rooms. Installing the units in areas such as in schools that have electric heat would only be an unwarranted cost to the school district. Also include the inspection requirements into the normal annual Smoke / alarm inspections that are normally done by a alarm system certified inspector.

The second bill is AAC 5802 We support the Safety Recommendations from the Thomas Commission about the installation requirements of a energy plant. We have long sought the opportunity to receive training on Technology and will look forward to the assistance of an expert to assist the local Fire Marshal with these specialized facilities.

The Third bill is 6296 AN ACT ADOPTING THE NATIONAL ELECTRICAL CODE, THE INTERNATIONAL PLUMBING CODE, THE INTERNATIONAL MECHANICAL CODE, AND THE INTERNATIONAL FUEL GAS CODE.

We do not support this bill as it especially bypasses the process of code promulgation that this state has used successfully . It would guide the code requirement to only one publisher , The Fire / building code users would not be able to input to the process. Nor would it go for public hearing through the Regulation review process.

Fire Marshal Kevin Kowalski
P.O Box 1517
Litchfield, CT 06759

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PUBLIC
SAFETY AND
SECURITY**

**PART 3
659 – 992**

2011



State of Connecticut

HOUSE OF REPRESENTATIVES STATE CAPITOL

REPRESENTATIVE CHRISTIE CARPINO
THIRTY-SECOND ASSEMBLY DISTRICT

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MEMBER
APPROPRIATIONS COMMITTEE
EDUCATION COMMITTEE
JUDICIARY COMMITTEE

To: Chairman Hartley, Chairman Dargan, Ranking Member Guglielmo, Ranking Member Giegler and members of the Public Safety & Security Committee

From: Rep. Christie Carpino, 32nd Assembly District (*Cromwell, Middletown, Portland*)

Date: February 15, 2011

Re: Proposed HB No 5802 *An Act Concerning Adopting Certain Safety Recommendations Of The Thomas Commission.*

Thank you for the opportunity to speak in support of this legislation.

Last year, residents of the greater Middletown region were rocked by a powerful explosion that claimed the lives of several people while injuring many more.

I represent residents of Middletown and Portland—communities affected significantly by the tragedy at the Kleen Energy construction site. A great number of residents in these towns have contacted me, and continue to contact me, indicating their lasting concerns about safety at this site. “What if it happens again,” is the question I’m often asked.

Of course, it’s impossible to guarantee that anyone, let alone this legislature, can prevent any construction accident—no matter the magnitude.

But today—and during this legislative session—we have an opportunity to impose measures that will, at the very least, reduce the odds of a similar tragedy.

I urge adoption of certain safety measures recommended by the Thomas Commission, an impartial panel created in response to the accident at the Kleen Energy site.

Through the Commission’s recommendations we have an opportunity to not only move toward preventing such tragedies in the future, but also a chance to assure residents, the injured, and the families of those who lost their lives that we take this issue seriously. Thank you for your consideration.

③



State of Connecticut
 HOUSE OF REPRESENTATIVES
 STATE CAPITOL
 HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE MATTHEW LESSER
 ONE HUNDRETH ASSEMBLY DISTRICT

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VICE CHAIRMAN
 GOVERNMENT ADMINISTRATION AND
 ELECTIONS COMMITTEE

MEMBER
 EDUCATION COMMITTEE
 PUBLIC HEALTH COMMITTEE

Testimony of
 Representative Matthew Lesser, 100th District
 February 10, 2011

In Support of HB 5802, An Act Adopting Certain Safety Recommendations of the
 Thomas Commission

Good morning Representative Dargan, Senator Hartley, Rep. Giegler, Sen. Guglielmo
 and honorable members of this Committee,

I wish to testify in support of House Bill 5802, *An Act Adopting Certain Safety
 Recommendations of the Thomas Commission*.

On a Sunday morning a year ago this month, as I was enjoying my morning coffee at my
 home in Middletown, I heard my windows rattle.

As information starting flowing in, I soon had an appreciation of the terrible tragedy that
 had left six workers dead at the Kleen power plant on a hill overlooking the city in which
 I live. That evening, I went up to the disaster site when it was still chaotic and we still did
 not know if we had been able to account for all the workers. I saw the wonderful and
 selfless efforts of first responders and emergency personnel from all over the state and all
 over New England. I can assure you, honorable members, that the people of Middletown
 appreciate the help and support.

In the days and weeks afterwards, at funerals and memorial services, I had the
 opportunity to meet with many of the family members of the victims, and many of the
 workers at the plant – some of whom are here today.

In the aftermath of the disaster, there have been several investigations and reports into
 what happened. It is clear today that the disaster could have been avoided.

Former Governor Rell convened a commission headed by Commissioner Thomas of the Department of Public Safety to look at the investigations into the causes of the disaster and propose remedies to ensure that this never happens again.

This bill (1) bans flammable gas blows, (2) requires that power plant builders pay to hire independent safety inspectors and train local fire marshals on safety issues, and (3) requires that the Siting Council work with other agencies to ensure that power plants are being constructed safely.

I urge the Committee to report on these proposals favorably. This is not the last word on worker safety, but it is an important first step.

We should all agree that nobody should have to put their life on their line, simply to go to work.

Thank you for hearing my testimony, and for your kind consideration.

Most sincerely,

A handwritten signature in black ink that reads "Matt". The letters are cursive and connected.

Matt Lesser
State Representative

Written Testimony of Dr. Rafael Moure-Eraso, Chairman and CEO,
US Chemical Safety Board

House Joint Committee on Public Safety and Security
of the Connecticut General Assembly

Subject Matter Hearing: H.B. 5802: An Act Adopting Certain Safety
Recommendations of the Thomas Commission

February 15, 2011

Good morning, my name is Dr. Rafael Moure-Eraso and I am Chairman and CEO of the US Chemical Safety Board. Thank you for the opportunity to comment on H.B. 5802. I commend the committee for holding this hearing and for considering adoption of these important safety recommendations.

The Chemical Safety Board or CSB is an independent, non-regulatory federal agency that investigates major industrial accidents involving hazardous substances. We were established in 1998 and have investigated approximately 70 industrial fires, explosions and toxic gas releases across the country.

As many of you know, the CSB investigated the accident at Kleen Energy, a natural gas-fueled power plant under construction in Middletown, Connecticut. On February 7, 2010, contract workers were conducting a "gas blow", – a planned effort to clean out new fuel-gas piping leading to combustion turbines by directing high-pressure natural gas through the pipes and out of vents located near ground level, adjacent to the power generation building. Just before 11:30 am, the accumulated gas ignited, triggering a massive explosion. Six workers lost their lives and many others were injured.

As is the case with so many industrial accidents, the disaster at Kleen Energy was entirely preventable. At a public meeting held in Connecticut on June 28, 2010, the CSB released its final report that concluded that using gas blows to clean piping is inherently unsafe, and should no longer be permitted in the construction of power plants. The CSB issued a total of 18 urgent safety recommendations including a recommendation that the governor and legislature of Connecticut enact legislation applicable to power plants that prohibits the use of flammable gas that is released to the atmosphere to clean fuel gas piping.

The CSB is pleased that the State of Connecticut is setting an example for the rest of the country. Last September, I applauded the decision by former Governor Jodi Rell to ban gas blows in Connecticut via Executive Order. Today, we applaud the efforts of Representative Linda Orange and her colleagues to make this prohibition a permanent part of Connecticut state law. A permanent prohibition of this practice would safeguard the lives of Connecticut's workers and honor the legacy of six men whose lives were lost at Kleen Energy: Ronald Crabb, Peter Chepulis, Raymond Dobratz, Kenneth Haskell, Christopher Walters, and Roy Rushton. A

permanent prohibition would also send a strong message to the other 49 states, the federal government, voluntary consensus standards organizations, and the power generation industry that *we can* and *we must* abandon this inherently unsafe practice.

Since the incident at Kleen Energy, the CSB has advocated for safer alternative pipe cleaning methodologies. Our investigation found that far safer cleaning methodologies are available and quite feasible to accomplish the same cleaning function, including blowing with air or nitrogen, which cannot explode, or forcing a cleaning object or so-called "pig" through the fuel-gas piping under air pressure.

Already, following CSB recommendations, major gas turbine manufacturers are advising their customers to use alternative pipe cleaning methodologies to remove debris that would otherwise damage the turbine. GE Energy, for example, has revised its policies to, as a GE Senior Professional Engineer put it, "make gas blows something that will not happen again under GE's watch." GE also expressly prohibits its own employees from being on site if one of its customers chooses to conduct a blow with flammable gas.

The CSB also issued a recommendation to the Occupational Health and Safety Administration to develop a national gas safety standard. Recommendations were also made to several voluntary consensus standard-setting bodies, including the National Fire Protection Association (NFPA), and the American Society of Mechanical Engineers (ASME) to prohibit this practice in their standards. The CSB is working very actively with these groups, and we are confident that many of these efforts will be successful in changing the standards to prohibit gas blows.

The CSB found that over the next five years 125 or more natural gas fueled power plants are anticipated to come online. Since our study was published, we further learned that the State of Colorado announced plans to require the conversion of all of the coal-fired power plants in the Denver area to natural gas. In many of these instances, the new or refitted plants may opt to use "gas blows" despite the inherent dangers, simply because gas is conveniently available.

Any delay in banning gas blows will put more lives at risk. Enacting legislation in Connecticut that will prohibit gas blows cannot wait.

Thank you for the opportunity to submit this statement.



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Testimony

February 15, 2011

Proposed Bill No. 5802

**An Act Adopting Certain Safety Recommendations of the Thomas Commission
 Committee on Public Safety and Security**
 Senator Joan Hartley, Co-Chair
 Representative Stephan Dargan Co-Chair
 Senator Eileen Daily, Vice-Chair
 Representative Ed Jutila, Vice-Chair

Dear Chairman Hartley, Chairman Dargan, Vice Chairman Daily, Vice Chairman Jutila
 and members of the Committee on Public Safety and Security:

Thank you for the opportunity to present testimony on **Bill Number 5802 – An Act
 Adopting Certain Safety Recommendations of the Thomas Commission.**

I am here today to urge you to take every feasible step possible to prevent a recurrence of
 the horrible February 7, 2010 explosion at the Kleen Energy Plant in Middletown. The
 explosion killed six people, injured many and caused property damage in Middletown
 and Portland, which is located directly across the CT River from the plant.

It should be recalled that the Nevas Commission's task was to determine the cause of the
 February 7, 2010 explosion, not to recommend changes in laws or regulations. The Nevas
 Commission Chairman, Alan Nevas strongly urged that the specific recommendations of
 the Thomas Commission be adopted and made into law and/or regulation. (Nevas
 Commission Final Report, page 8)

Each one of the Thomas Commission's seven specific recommendations should be
 considered as appropriate for adoption. The recommendations are as follows:

(1) Flammable gas blows be banned in Connecticut. Kleen Energy has already accepted
 this. It could hardly do less, given the Governor's Executive Order Number 45 banning
 the use of natural gas in gas pipeline purges. The Town strongly urges the Committee to
 amend the General Statutes in accordance with this recommendation.

(2) The Town of Portland considers the second recommendation – that the applicant pay
 the cost of special inspectors – perhaps the single most important of the seven
 recommendations.

While Kleen Energy is committed to an alternative method of pipeline purging, the
 Thomas Commission concluded that alternative purging methods such as nitrogen or
 compressed air carry their own safety risks. Even such non-flammable gas blows, it

concluded, should be carried out based upon "...a safety plan developed by the permit holder and approved and carried out under the supervision of the local fire marshal, local building inspector and the special inspector." (Thomas Commission Executive Report, page 5)

Not only should the special inspector be someone with the high qualifications the Thomas Commission specifies, he or she should be approved by the local fire marshal and building inspector.

Whatever the expense of hiring the special inspector, it will be money well spent if it averts further disaster. The Town strongly urges the Committee to amend the General Statutes in accordance with this recommendation.

(3) Recommendation of a State Agency Clearing House for future applications. The Town commends this approach and urges the adoption of the safety recommendations of the agencies whose opinion has been solicited. A coordinating council would serve during the construction of such power plants to include at least one representative from each of the following agencies: the Departments of Emergency Management and Homeland Security, Public Safety, Consumer Protection, Public Works, and the Labor, in addition to other applicable state agencies.

The Town strongly urges the Committee to amend the General Statutes in accordance with this recommendation.

(4 -6) The Thomas Commission recommended that the Department of Public Safety adopt various updatings of the Connecticut Fire Safety Code, Connecticut State Building Code, and Connecticut Fire Prevention Code. These three recommendations have the effect of making these code updates apply to not only new applications, but also to renewals or extensions of existing permits.

The Town strongly urges the Committee to amend the General Statutes in accordance with this recommendation.

(7) The seventh recommendation would require power plant applicants to the Siting Council to pay for the extra training which local fire and building officials will need to deal with the extra complexities such applications present.

The need to avert further disaster supports this recommendation. The Town strongly urges the Committee to amend the General Statutes in accordance with this recommendation.

Public Safety is paramount to all else. I implore you to adopt the necessary legislation to ensure the safety of the public. Adopt the Thomas Commission's recommendations as fully as possible. Thank you for your consideration.

Sincerely yours,

Susan S. Bransfield
First Selectwoman
Town of Portland

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STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER*James M. Thomas*
Commissioner*Lieutenant Edwin S. Henion*
Chief of Staff

February 15, 2011

Rep. Stephen Dargan, Co-Chairman
Sen. Joan Hartley, Co-Chairman
Public Safety and Security Committee
Legislative Office Building
Hartford, CT 06106

HB 5802 AN ACT ADOPTING CERTAIN SAFETY RECOMMENDATIONS OF THE THOMAS COMMISSION**The Department of Public Safety supports this bill.**

This proposed bill would adopt in statute certain safety measures recommended by the Thomas Commission in response to the explosion and resulting loss of life which took place on February 7, 2010, at the Kleen Energy construction site in Middletown, Connecticut.

First and foremost, the proposed bill would ban by statute the use of flammable gases to conduct "gas blows". It became clear in hearings before the Thomas Commission that it is not necessary to use flammable gas in the gas blows used for cleaning at a gas to energy plant. Other gases such as nitrogen or even compressed air can serve the same function. The public safety risk entirely outweighs the easy availability of flammable gas for this purpose.

Secondly, the bill would require that each person applying for a certificate to build an electric generating facility pay for (A) at least one special inspector to assist the municipal fire marshal in providing plan review and conducting inspections during construction, and (B) the training of local fire marshals on the issues involved in construction. These important steps will ensure that Connecticut has in place the needed expertise for public safety oversight of these facilities. The special inspector will provide the needed expert assistance to any municipal fire marshal in whose jurisdiction an applicant wants to build an electric generating facility. Further, such applicants will be required to pay into the existing statutory code training fund so that all fire marshals can get training on the issues involved in construction of an electric generating facility.

Lastly, the bill would require the Connecticut Siting Council to (A) consult with and solicit written comments from the Departments of Emergency Management and Homeland Security, Public Safety, Consumer Protection and Public Works, and the Labor Department in addition to the state agencies listed in subsection (h) of 16-50j of the general statutes, and (B) create a coordinating council to serve during construction composed of at least one representative from each of the agencies listed in subparagraph (A) of this subdivision. This will provide the necessary statutory framework for necessary communication among the various entities that are stakeholders in regard to public safety oversight of these projects.

Sincerely,


James M. Thomas
COMMISSIONER

**U.S. Chemical Safety and
Hazard Investigation Board**

2175 K Street, NW • Suite 650 • Washington, DC 20037-1809
Phone: (202) 261-7600 • Fax: (202) 261-7650
www.csb.gov

Department of Recommendations



Matthew Macunas
Public Safety and Security Committee
Room 3600, Legislative Office Building
Hartford, CT 06106

Dear Mr. Macunas:

Enclosed, please find 30 copies of the CSB's latest Safety Video: *Deadly Practices: The Dangers of Conducting Gas Blows and Purging with Fuel Gas*. We hope these will be of use for the Committee's February 15, 2011 subject matter hearing on H.B. 5802.

We would be pleased to provide additional copies upon request. The video may also be viewed at or downloaded from the CSB's website (www.csb.gov) or by going directly to <http://www.csb.gov/videoroom/detail.aspx?VID=49>.

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Christina Morgan".

Christina Morgan, MPH
Recommendations Specialist
Phone: 202-261-7642
Fax: 202-974-7642
E-mail: Christina.Morgan@csb.gov

P25 L4

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Testimony of Jodi M. Thomas
Before the Connecticut General Assembly
Public Safety & Security Committee
February 15, 2011

My name is Jodi Thomas and my husband, Ron Crabb, was killed in the Kleen Energy explosion on February 7, 2010. He was 42 years old. I submit this testimony in support of proposed House Bill 5802, which my family and I support fully. Thank you for the opportunity to tell you about this wonderful man.

Ron was a man who lived and loved life every day. He loved his family with his whole heart. He inspired a loyalty in friends that I have seldom seen in my lifetime. He brought joy and laughter to so many people, even strangers. I have boxes full of cards and letters from people telling us how Ron touched their lives and what a good man he was. Everyone just loved him, from the time he was a little boy. He was a very special person - the kind you only meet once or twice in a lifetime, if you are lucky. When he saw that something needed change, he tried to help fix it. When he saw that someone needed a hand, he gave it. He gave of himself freely and with joy.

He also gave his time to the community, the union and the people of the State of Connecticut. He had just completed a six-year term on the Town of Colchester Board of Finance and served on the Colchester Democratic Town Committee. He was the immediate Past-President of the Connecticut Plumbers & Pipefitters Union, Local 777. Prior to that post, Ron served as Recording Secretary for the Local and as a member of its Executive Board. Ron also served for six years on the Connecticut Department of Consumer Protection's Licensing Board for Heating, Piping, Cooling and Sheet Metal Work, having been appointed and re-appointed by two consecutive Governors. He was honored with the Connecticut Secretary of State's Public Service Award in 2003.

Ron was very proud of his trade and believed strongly in the principles of unionism. He was a talented, skilled tradesman who worked hard and conducted himself ethically and with integrity. He believed that everyone should have a voice and believed in focusing on unity and common ground. I have personally heard countless stories of Ron diffusing tension on various jobs or working parties through jurisdictional and other disagreements. Jobsite and worker safety were also very important to Ron and I recall several specific examples of Ron reporting violations and/or sending his men home until a safety issue, such as exposure to asbestos, was fixed.

Ron had been working 40 hours per week at the Kleen Energy plant since September 2009, when he was hired by IST to perform the instrumentation and control work at the plant. This is a specific area within the trade for which Ron had obtained specialty certification. He had done instrumentation and control work at many power plants over the years, when those jobs were available and in between regular pipefitting jobs. About 4 or 5 months after starting at Kleen Energy, in late January 2010, IST asked Ron to be the General Foreman for instrumentation and he was given authority to hire a crew. He then began

working seven 12-hour days and had been doing so for only about a week or two before the explosion.

Ron and I talked about his job at Kleen Energy at least a little bit every night. I know that he felt challenged by the work and wanted to do a good job, not just because of his work ethic, but also to help his trade possibly secure more work in this specialty. Ron had, in fact, been offered another job twice during the time he was at the Kleen Energy plant, but turned it down. Instead, he decided to stay and honor his commitment to see the instrumentation through.

I hope to be able to give a sense of how this devastating tragedy has affected our lives. Ron left behind two sons: my step-son, Tyler, age 19, and our seven-year-old little boy, Dylan. Ron adored his sons. By everyone's account, he was an extraordinary father. Every one of my son's friends (and their parents) thought he was the greatest dad in the world - and he was. He took Dylan (and often his friends) everywhere - enjoying all that nature can offer and especially fishing, hiking and sports. And no matter how hard Ron had worked on a given day, he always had time to wrestle and play with Dylan. Every day when we heard Ron's footsteps come up the porch, Dylan would jump up and scream "Daddy's home!" The dog would jump up and run to the door and a smile would come across my face. Our home lit up with joy when Ron came home from work each day.

Dylan is too young to grasp the full magnitude of this devastating loss and how it will impact him in the future. But what he does know is that his daddy went to work one day and never came home. He also knows that daddy died in an explosion. Because of this, the security of his world was shattered. Although it is getting a little better, he worries about something bad happening to me when he was not with me. The most heartbreaking thing, though, is that this beautiful little boy will be deprived of father's love, guidance and companionship for the rest of his life.

As for me, this loss and my grief have, at times, been so big that I could hardly find the words to express them. I can best describe it as profound heartache. Ron, to me, was an angel here on earth. My angel. We always felt that we were meant to be together. I thanked God every night for nineteen years for bringing Ron to me. And I was so proud of him - who he was as a man, a husband, a father, a tradesman, a public servant - loyal, ethical, loving, intelligent, funny, strong. But most of all, I just loved him with all my heart. Nineteen years may seem like a long time, but it was not enough.

The manner and cause of Ron's death have only compounded our family's grief. This tragedy should never, ever have happened. It was preventable. This is why I urge you, please, do not allow Ron's death to be in vain. Real change and real protection for our workers must come out of this. It is the only way to truly honor him and the other men who lost their lives, whose families are forever broken. Together with the other tragedies that occurred from natural gas pipe purging, and the world of heartache and loss that have resulted, the lessons here could not be any more apparent or urgent. Failing to make good come from this would be the biggest tragedy of all.

My family and I support, wholeheartedly, the enactment of H.B. 5802; an Act Adopting Certain Safety Recommendations of the Thomas Commission. We are grateful to the many co-sponsors of this bill and all those who worked so hard to formulate it. The one aspect of the bill to which we would like to add comment involves the special inspector required under Section 2. We simply want to make certain that any such inspector be chosen under regulations or procedures adopted by the the involved agencies so that independence is ensured.

We would also like to note that we are very grateful for the work of the Thomas Commission, OSHA and the U.S. Chemical Safety & Hazard Investigation Board, whose findings helped lay the foundation for this change.

Thank you so much for this opportunity to speak and for your work on these critical and urgent issues.

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P32 L15

PUBLIC SAFETY COMMITTEE – PUBLIC HEARING FEBRUARY 15, 2011**TESTIMONY****RE: HB 5802 - AN ACT ADOPTING CERTAIN SAFETY RECOMMENDATIONS OF THE THOMAS COMMISSION****PRESENTED BY: Joyce A. Wojtas, Representing
Mechanical Contractors Association of CT
UA Plumbers & Pipefitters Local 777**

The Mechanical Contractors Association of CT (MCAC) supports House Bill 5802 which implements the recommendations of the Thomas Commission regarding power plant safety. It has been just over a year since tragedy struck at the Kleen Energy Plant in Middletown on February 7, 2010 and we will never forget those who lost their lives or were injured and their families.

This bill is the result of the combined efforts of the Nevas Commission and the Thomas Commission who worked diligently in 2010 to develop the following legislative and regulatory changes:

Ban the use of flammable gases to conduct “gas blows” until there are accepted national standards.

Require special inspectors (registered Mechanical Engineer) to assist the municipal fire marshal in plan review and to conduct inspections during construction, review/accept methods for cleaning gas piping, and approve a safety plan for non-fuel gas blows. Fees to be paid by power plant applicant for training local fire marshals.

Establish a Coordinating Council made up of various state agencies to serve as a clearinghouse to track efforts of every regulatory agency associated with power plant construction.

MCAC recommends that special inspectors should be CT registered M.E. or a mechanical engineer holding a commission from the American Society of Mechanical Engineers.

MCAC also recommends that penalties also be established for violations of the provisions of the law similar to those penalties for violations of the explosives statutes. The owner, construction manager, general contractor and subcontractor associated with the violation should be penalized.

MCAC would like to thank the Public Safety Committee, especially Co-Chairs Senator Hartley and Representative Dargan and Representative Linda Orange and the co-sponsors of this bill for recognizing the importance of the work done by the Nevas and Thomas Commissions and for working to make the recommendations become a reality for safer power plant construction in the state of Connecticut.

For information contact: Joyce Wojtas jawojtas@myway.com 860-280-4623

Testimony of Frank J. DaCato
In Support of
Raised Bill No. 5802

Senator Hartley, Representative Dargan, members of the Public Safety and Security Committee, first I would like to thank you for taking the time to hear me today. My Name is Frank DaCato and I am the training coordinator for Plumbers and Pipefitters Local 777. I am here today to ask you to support bill 5802, “An Act Adopting Certain Safety Recommendations of the Thomas Commission”.

On February 7th, 2010 at approximately 11:20 A.M., I was at home relaxing when I received a phone call to turn on the television. To my horror I started watching the reports of the explosion at the Kleen Energy Plant. By noon I had found out the names of three of my brother union members who were dead. I worked for and with Ray Dobratz on different projects, Pete Chepulis was a 5th year apprentice in my code class when I first met him and Ron Crabb was in my 1st year apprentice class when I first met him. These men were more that just acquaintances to me, they were friends. Their loss is not just a family loss, or a union loss, or a friend loss. Their loss is a community loss. We are all a little less without them.

I have since found out that this was not first time that lives have been lost from this type of accident. Just

eight months before, four men died in an accident at the ConAgra Slim Jim plant in Garner, N.C. The Chemical Safety Board also investigated that accident. Tragically their report came out just two days before the accident in Middletown. Not enough time to save Ray, Pete and Ron but with the adoption of this law maybe time to save many other lives.

Once again thank you for your time and please adopt bill #5802 and show the rest of the country that CT is a leader when it comes to workers safety.

Frank DaCato

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**PUBLIC SAFETY and SECURITY COMMITTEE
HEARING FEBRUARY 15, 2011**

Senator Hartley, Representative Dargan and members of the committee my name is Cameron Champlin and I represent Plumbers and Pipe Fitters Local Union 777. On February 7, 2010 the construction workers on the Kleen Energy Plant in Middletown Connecticut reported to work as they normally did and fully expected to return home as usual. Tragically for some of them they never left that site alive. Six workers died due to the explosion and many others were injured. Three of the dead were my union brothers from Local Union 777. I had worked with two of the deceased and therefore knew them on a personal basis. One of them was going to retire upon completion of this project. He had been looking forward to spending more time with his family and more time enjoying one of his favorite hobbies, fishing. Sadly the other member left behind a family who will miss him immensely, especially a young son who enjoyed being with his dad in the great outdoors.

Because of this tragic accident the families of these two men and the families of the other four victims will have to endure the pain of not having their husband, father or brother to enjoy life with.

When this tragedy occurred there was no board or committee empowered to oversee safety standards for this procedure. The passage of this bill will ban the use of explosive gases to be used for the cleaning of pipes on these facilities. There are alternative non-explosive gasses which can do the same job. Also it will establish a committee which will ensure safety standards are adhered to on these projects.

For all of these reasons please move this Bill No. HB-5802 forward. Thank you for the opportunity to testify on this very important matter.

This testimony is from Cameron Champlin lobbyist for Local 777 Plumbers and Pipe Fitters. If any of the committee members have any questions or would like to discuss this matter further I can be reached at camc@att.net or cell (860) 287-0020.

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2011**

**VOL. 54
PART 21
6546-6914**

mhr/cd/gbr
SENATE

504
June 7, 2011

Move to place this item on the Consent
Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

The final item on calendar page 18, Calendar
548, House Bill Number 6471.

Move to place this item on the Consent
Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Moving now to calendar page 19, where we also
have several items. First: Calendar 550, House Bill
Number 6, excuse me, House Bill Number 5802.

Madam President, move to place this item on the
Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Calendar 551, House Bill Number 6433.

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SENATE

520
June 7, 2011

Mr. Clerk.

THE CLERK:

Immediate roll call's been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. Immediate roll call's been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

THE CLERK:

Madam President, the items placed...

THE CHAIR:

I would ask the Chamber to be quiet please so we can hear the call of the Calendar for the Consent Calendar.

Thank you.

Please proceed, Mr. Clerk

THE CLERK:

Madam President, the items placed on the first Consent Calendar begin on calendar page 5, Calendar 336, House Bill 5697.

Calendar page 7, Calendar 421, Substitute for House Bill 6126.

Calendar page 8, Calendar 449, Senate Bill 1149.

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SENATE

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June 7, 2011

Calendar page 10, Calendar 470, Substitute for House Bill 5340. Calendar 474, Substitute for House Bill 6274. Calendar 476, House Bill 6635.

Calendar page 12, Calendar 499, Substitute for House Bill 6638. Calendar 500, House Bill 6614. Calendar 508, House Bill 6222.

Calendar page 13, Calendar 511, House Bill 6356. Calendar 512, Substitute for House Bill 6422. Calendar 514, House Bill 6590. Calendar 515, House Bill 6221. Calendar 516, House Bill 6455.

Calendar page 14, Calendar 517, House Bill 6350. Calendar 519, House Bill 5437. Calendar 522, House Bill 6303.

Calendar page 15, Calendar 523, Substitute for House Bill 6499. Calendar 524, House Bill 6490. Calendar 525, House Bill 5780. Calendar 526, House Bill 6513. Calendar 527, Substitute for House Bill 6532.

Calendar page 16, Calendar 528, House Bill 6561. Calendar 529, Substitute for House Bill 6312. Calendar 530, Substitute for House Bill 5032. Calendar 532, House Bill 6338.

Calendar page 17, Calendar 533, Substitute for House Bill 6325. Calendar 534, House Bill 6352.

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Calendar 536, House Bill 5300. Calendar 537, House
Bill 5482.

calendar page 18, Calendar 543, House Bill 6508.

Calendar 544, House Bill 6412. Calendar 546,
Substitute for House Bill 6538. Calendar 547,
Substitute for House Bill 6440. Calendar 548,
Substitute for House Bill 6471.

Calendar page 19, Calendar 550, Substitute for
House Bill 5802. Calendar 551, House Bill 6433.
Calendar 552, House Bill 6413. Calendar 553,
Substitute for House Bill 6227.

Calendar page 20, Calendar 554, Substitute for
House Bill 5415. Calendar 557, Substitute for House
Bill 6318. Calendar 558, Substitute for House Bill
6565.

Calendar page 21, Calendar 559, Substitute for
House Bill 6636.

Calendar page 22, Calendar 563, Substitute for
House Bill 6600. Calendar 564, Substitute for House
Bill 6598. Calendar 566, House Bill 5585.

Calendar page 23, Calendar 568, Substitute for
House Bill 6103. Calendar 570, Substitute for House
Bill 6336. Calendar 573, Substitute for House Bill
6434.

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Calendar page 24, Calendar 577, Substitute for
House Bill 5795.

Calendar page 25, Calendar 581, House Bill
6354.

Calendar page 26, Calendar 596, Substitute for
House Bill 6282. Calendar 598, Substitute for House
Bill 6629.

Calendar page 27, Calendar 600, House Bill
6314. Calendar 601, Substitute for House Bill 6529.
Calendar 602, Substitute for House Bill 6438.
Calendar 604, Substitute for House Bill 6639.

Calendar page 28, Calendar 605, Substitute for
House Bill 6526. Calendar 608, House Bill 6284.

Calendar page 30, Calendar number 615,
Substitute for House Bill 6485. Calendar 616,
Substitute for House Bill 6498.

Calendar page 31, Calendar 619, Substitute for
House Bill 6634. Calendar 627, Substitute for House
Bill 6596.

Calendar page 32, Calendar 629, House Bill
5634. Calendar 630, Substitute for House Bill 6631.
Calendar 631, Substitute for House Bill 6357.
Calendar 632, House Bill 6642.

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Calendar page 33, Calendar 634, Substitute for
House Bill 5431. Calendar 636, Substitute for
House, correction, House Bill 6100.

Page 34, Calendar 638, Substitute for House
Bill 6525.

Calendar page 48, Calendar 399, Substitute for
Senate Bill 1043.

Calendar page 49, Calendar 409, Substitute for
House Bill 6233. Calendar 412, House Bill 5178.
Calendar 422, Substitute for House Bill 6448.

Calendar page 52, Calendar 521, Substitute for
House Bill 6113.

Madam President, that completes the item placed
on the first Consent Calendar.

THE CHAIR:

Thank you, sir.

We call for another roll call vote. And the
machine will be open for Consent Calendar number 1.

THE CLERK:

The Senate is now voting by roll on the Consent
Calendar. Will all Senators please return to the
Chamber. The Senate is now voting by roll on the
Consent Calendar, will all Senators please return to
the Chamber.

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SENATE

525
June 7, 2011

Senator Cassano, would you vote, please, sir.

Thank you.

Well, all members have voted. All members have voted. The machine will be closed, and Mr. Clerk, will you call the tally?

THE CLERK:

Motion is on option Consent Calendar Number 1.

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number 1 has passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

We might stand at ease for just a moment as we prepare the next item..

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)