

PA13-43

HB6453

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**JOINT
STANDING
COMMITTEE
HEARINGS**

**GENERAL
LAW
PART 2
270 - 579**

2013

107
mb/rgb/gbr GENERAL LAW COMMITTEE

February 21, 2013
1:00 P.M.

percent AmEx card, your charge will \$100 plus the card charge of the 3 percent, so you will pay \$103. It becomes transparent and clear to everyone.

And if the consumer feels that it's worth saving the \$3, they can change cards. They can get down to the cash price or the debit price and the actual cost of transparency becomes more clear and it becomes more of a challenge to raise those costs to our merchants. They found in other countries, it reduces the costs to the merchants and the consumers.

SENATOR KISSEL: Thank you very much, Mr. Chair.

SENATOR DOYLE: Thank you.

Any further questions from the committee?

Thank you.

EDWARD LEVINE: Thank you.

SENATOR DOYLE: Thank you for coming.

EDWARD LEVINE: Thank you.

SENATOR DOYLE: I appreciate your knowledge on this.

EDWARD LEVINE: Any questions please feel free to contact us.

SENATOR DOYLE: Thank you very much.

Next speaker is Jay Zelermeyer then Tom Falik, Stan Sorkin, David Bauer, Ken Carney and Scott Ferguson.

Mr. Zelmeyer.

JASON ZELERMYER: Senator Doyle, Representative

HB5908
HB6453

Baram, members of the committee, I am president of Ledgebrook Condominium Association which is in Norwalk, Connecticut. We're a 25-building, 222 unit, 25 acre condominium that was built in the early 1970s and that is an all electric community. It was a great idea at the time, but it costs a lot of money.

And I'm here to comment briefly, although not directly, on Proposed Bill Number 5908, which I understand is in response to the Governor's veto last year of House Bill 5248, which -- which bans certain kinds of insulating materials. There is another bill that was just filed yesterday, Raised Bill Number 6453, which is a repeat of last year's bill with a couple of minor modifications. My concern about this -- this legislation is this, for the last four and a half years, our association has been trying to find a way to reduce energy costs, partly to save money, of course, but partly as a good community trying to save energy, trying to conserve energy.

We have been working closely with the Connecticut Energy Efficiency Fund over that period of time and developed a comprehensive energy reduction program. One of the elements is reinsulating our 40-year old buildings. As you can imagine, that's a very complex undertaking. We studied it for a couple years. Finally with a consultant in the energy business finally decided on the materials that we were going to use for our crawlspaces, our roofs and our walls. We designed an insulating program. We submitted it to CEEF, which was a very -- very supportive and viewed our program very favorably. We're the first of old condominiums in Connecticut to even attempt to think about such things and they after a lot of study, they -- CEEF committed to providing us with very substantial cash incentive if we went

forward with the program.

Naturally, we had to finance this. We -- we went to a bank and arranged financing. We put out RFPs to contractors. We got responses from contractors. We selected a contractor and all of this is going on over a very long period of time and then in January last month we learned that the material that we had selected to insulate our walls, which we thought was the best material on the market in terms of energy conservation -- we were looking strictly at our values -- well, not strictly at our values, but also other kinds of impacts, but our values and costs, and the impact on the existing buildings had suddenly become unavailable in Connecticut unlike the rest of the country and -- where it had been used in Connecticut for many, many years.

Somebody interpreted the existing legislation which bans certain kinds of formaldehyde-based materials as comprehending this material, which is called Tripolymer, which includes water. And water has formaldehyde in it, as I'm sure all of you know, and therefore, today it's banned. Our only option is to use a lower performing material which will cost the same but provide significantly lower cost savings and will conserve significantly less energy. We've decided we need to product -- with the project because we've got deadlines from CEEF. We have deadlines from our bankers. Our contractor won't hold their prices and we are hoping that by the time we get around to doing the walls -- we're going to do the crawlspaces and the roofs first -- but by the time we get around to doing the walls, something will have changed in legislation so that we will be able to use the product that we believe is clearly the best and that everyone that we're dealing with supports as the best. And therefore, I'm

here really to urge you to consider the on the ground need and act quickly. The current proposed legislation 5908 simply directs the Department of Consumer Protection in consultation with the Department of Health and Energy -- the Departments of Health and Energy to promulgate regulations -- promulgate some standards. We're confident that we can meet whatever those standards are and we can proceed with our project in the most conservative, most energy efficient, most cost efficient way possible.

Thank you for your attention.

SENATOR DOYLE: Thank you.

Any questions from the committee?

Representative Baram.

REP. BARAM: Thank you, Mr. Chairman.

Is it my interpretation of your testimony that you favor this bill because somehow you think that passage of a bill like this will revoke prior law that prohibits certain kinds of materials? Is that what you're suggesting?

JASON ZELERMYER: The prior ban, as I understand it, and I'm not a technician. I'm not a scientist. I don't understand all the science that's involved here. But my understanding is that for many, many years Connecticut law did not prohibit the use of this particular product or that's the way it was interpreted and I know -- I've been told that it's been used in many buildings throughout the state including some state office buildings as insulating material. At some point in 2011 someone decided that this material because the water that's used to make the material which flows in -- I mean, it's not

a solid, it's an injectable foam -- contains a certain amount formaldehyde like everything that has water in it has formaldehyde in it, and therefore, it's no longer -- it's no longer usable.

The ban is a -- that is in place is a pretty broad one, but contains exception for urethane foam insulation or styrene foam insulation. It was really aimed at formaldehyde-based insulating materials. This is not a formaldehyde-based material, it simply contains some trace amounts of formaldehyde, or so I'm told by our contractor, our consultant and CEEF. So what our hope is is that standards will get promulgated, our product will satisfy -- the product we want to use will satisfy those standards and we can use it.

REP. BARAM: I'm glad you brought that to our attention because I was unaware that this bill was addressing something that potentially had been banned. So I guess your point is is that by regulating it and coming up with certain controls, there will be no question that this material is usable and won't meet the definition of the formaldehyde in the prior legislation.

JASON ZELERMYER: Well, the prior law -- or existing law in Connecticut does ban very broadly formaldehyde-based insulation. That law which was on -- which was enacted in 1981, Section 29-277 of the General Statutes. Last year, it was the subject of 5548 which repealed it and imposed in its place a regulated structure specifying some -- some particular environmental institute regulations and other ASTM standards. Now, the Governor felt, I guess, at least based on his veto message that those standards weren't adequate. I don't know. I don't pretend to know. Again, my

understanding is that the product that we want to use would have satisfied these standards and the bill that was introduced yesterday 6453 would have exactly the same effect.

The major difference is that the original law contains an exception for urethane foam insulation and styrene foam insulation. 5248 removed those exceptions. 6453 puts them back which was concern of the American Chemical Institute, which urged the Governor to veto the bill, which he did, but on different grounds. So I'm a little perplexed about exactly what's going on, but I want something to happen and want it to happen as quickly as possible and that's why I'm here to again give you some -- some real world implications of what this is about and to hope that I can encourage you to act sooner rather than later.

The bill that's before you right now, 5908, doesn't have any substantive components at all. It simply directs the commissioners of Consumer Protection in consultation with the commissioners of Public Health and Energy and Environmental Protection to develop safety and certification standards. It would seem to me that that's the kind of thing that could be done rather quickly so that we can get -- before regulatory agencies can do what they're supposed to do and we'll see how it comes out.

REP. BARAM: Thank you.

SENATOR DOYLE: Thank you.

Any further questions from the committee?

Seeing none, thank you very much.

JASON ZELERMYER: Thank you.

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VOL.56
PART 8
2370 - 2742**

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

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May 2, 2013

Calendar Number 116, favorable report of the joint standing committee on Environment, House Bill 6453, AN ACT CONCERNING FOAMED-IN-PLACE INSULATION MATERIAL.

DEPUTY SPEAKER MILLER:

Representative Dargan.

REP. DARGAN (115th):

Thank you, Madam Speaker.

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

DEPUTY SPEAKER MILLER:

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

Representative Dargan, you have the floor, sir.

REP. DARGAN (115th):

Thank you, Madam Speaker.

Can the Clerk please call -- the Clerk will call LCO Number 5929 and I be allowed to summarize.

DEPUTY SPEAKER MILLER:

Will the Clerk please call LCO 5929, which will be designated House Amendment Schedule "A."

THE CLERK:

House Amendment Schedule "A," LCO 5929,
introduced by Representative Dargan, et al.

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DEPUTY SPEAKER MILLER:

The representative seeks leave of the chamber to summarize the amendment. Is there objection to the summarization? Is there objection to the summarization?

Hearing none, Representative Dargan, you may proceed with summarization.

REP. DARGAN (115th):

Thank you very much, Madam Speaker.

This is a bill that was before us last year. It passed unanimously in the House and Senate, and there was an issue within the Department of Public Health that we did not resolve last year. This bill before us now deals with -- or the amendment deals with -- which is the underlying, bill deals with tripolymer and it -- this bill has been worked on collaboratively with the Office of State Building Inspector and the Department of Public Health on the language we've -- the revision that is before us. It protects the public health and it also affords the state building official more flexibility in the type of foamed-in phased insulation products that could be allowed in buildings in our state, and I move for its adoption.

DEPUTY SPEAKER MILLER:

The question before the chamber is adoption of House Amendment Schedule "A." Will you remark on the amendment?

Representative Giegler.

Will you remark further? Will you remark further on the amendment before us?

If not, let me try your minds. All those in favor please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER MILLER:

All those opposed, nay.

The ayes have it and the amendment is adopted.

Will you remark further on the bill as amended?

Will you remark further on this bill as amended?

Representative Giegler of the 138th.

REP. GIEGLER (138th):

Thank you, Madam Speaker.

I rise in support of the bill before us. It is a job creator. Currently, there's a manufacturer in White Plains. There's four businesses in the state of Connecticut, yet Connecticut is the only state where it's unlawful to do business. This is a -- has no health risk and the installers have all been trained

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and licensed and they're ready to operate in the state, so I urge my colleagues' support. Thank you.

DEPUTY SPEAKER MILLER:

Thank you very much, madam.

Will you remark further? Will you remark further on the amendment before us -- on the bill as amended -- excuse me -- 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 take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members please return to the chamber immediately.

DEPUTY SPEAKER MILLER:

Have all members voted? Have all members voted? Will the members please check the board to determine if your vote is properly cast?

If all members have voted, the machine will be locked and the Clerk will take a tally.

Representative Grogins, for what purpose do you rise, madam?

REP. GROGINS (129th):

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Hi, I'd like to cast my vote in the affirmative,
please.

DEPUTY SPEAKER MILLER:

Mr. Clerk please record her -- Representative
Grogins' vote in the affirmative.

Will the Clerk please announce the tally.

THE CLERK:

Bill Number 6453 as amended by House "A."

Total Number Voting 137

Necessary for Passage 69

Those voting Yea 137

Those voting Nay 0

Those absent and not voting 13

DEPUTY SPEAKER MILLER:

The bill -- the bill as amended is passed.

(Speaker Sharkey in the Chair.)

SPEAKER SHARKEY:

Will the House please call Calendar 247.

THE CLERK:

Calendar 247, favorable report of the joint
standing committee on Judiciary, Substitute of House
Bill 6437, AN ACT CONCERNING A MATTRESS STEWARDSHIP

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PUBLIC
SAFETY AND
SECURITY
PART 2
378 - 749**

2013

COMMITTEE

MIKE GREEN: Good afternoon distinguished chair persons, vice chair persons, ranking members, members of the Public Safety and Security Commission. I'd like to thank you for having me here and listening to our hearing here. We have House Bill 6453 and my name is Mike again that I own and I'm the president of Tripolymer Incorporated. Tripolymer is an exclusive distributor in the United States for a formalda based foam insulation and when it's combined with air and water it makes ejection foam. Tripolymer is not a urea formaldehyde foam insulation. As a matter of fact we don't use formaldehyde as a component in our formula. It's been used for over 30 years, throughout the United States. We have a rarely -- fairly large network of trained certified installers. It contributes to lead points for construction projects, it's environmentally safe, it's nontoxic, fire resistant, noncorrosive, soundproofing, has a High R value, highest R value on the market today for retro fitting of older homes. I have Tripolymer in my house. My family has it in their houses. I do support the band on urea formaldehyde foam insulation that was from years ago was made with formaldehyde. I'm here today to urge you to pass this bill so that non ufe are permitted in the state as it is in the rest of the states including California which this bill is modeled after California's -- pretty stringent testing. The consensus is that -- that people -- people want to categorize us with the ufes and we're not. Connecticut state law however is so broad the way that it was written. I believe it was in 1982 that it makes our product unlawful here. In like -- in like any other state in the union. This bill will help give consumers in Connecticut more energy efficient choices available to insulate their homes and their buildings. The

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passage of this bill is important for at least at a minimum of four businesses that are located in the state of Connecticut. Some of the dealers are doing business in outline states and waiting to do business in Connecticut. The energy cost will be -- or the energy consumption will be -- would be cut drastically when this bill is passed and these businesses and several others will be able to flourish in Connecticut and it will be able to compete with other insulating products. These -- these dealers will be able to generate consumer tax money employment and just a list of positive attributes to it and give the people additional choices in their energy efficient needs. As the chairs know, we continue to work with the Department of Public Health and building department and all of the concerns are being addressed and we are confident that they will be satisfied and complete soon. We believe the passage of this bill will serve the same protection intended in 1981 but will also -- that was against the urea formaldehyde based foams -- but will also give home owners more choices and create jobs and generate business and consumer tax dollars for the state. And last of all I would like to request that upon passage that this bill being in effect immediately.

SENATOR HARTLEY: Mike thanks for being with us. Did I hear you say we're the only state or how many other states?

MIKE GREEN: Connecticut is the only state that we are unlawful to do business in today.

SENATOR HARTLEY: and previously it was California and since that time --

MIKE GREEN: Well California -- we -- see the way that California law is written that it

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specifically calls out for urea formaldehyde foam insulation. In Connecticut's law the way it's written is so general that anything that contains any formaldehyde is illegal in -- injection foam anyway -- in the state of Connecticut. What they were attempting to do in 1981 when they wrote the law was stop the use of that product but unfortunately language doesn't reflect at it -- there's -- there's formaldehyde content in this air that we are all breathing now, water that comes out of the spigot and well fall under that type of a scenario. There's formaldehyde in fiberglass, in cellulose, it's small parts per billion of traces.

SENATOR HARTLEY: So there is formaldehyde in your product, Tripolymer.

MIKE GREEN: It's in the water, in the air. We don't use formaldehyde in the manufacturing of the product but there's formaldehyde in the air that comes out of the air compressor, the water that we use, it's compressed. The air compressor blows the foaming agent into a million little bubbles with air and the foaming agent is comprised of water and soap together. So we do pick up -- it's .01 parts per million of formaldehyde content and that falls under the green guard of certification of a level, a safe indicated level.

SENATOR HARTLEY: And you're the exclusive dealer, there's nobody else at all in the country?

MIKE GREEN: No, just me.

SENATOR HARTLEY: So are you --

MIKE GREEN: We sell -- we sell -- and that's you know, another thing is that we do thousands of houses, ten thousand houses a year throughout

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the country with no issues. And we've been doing it for over 36 years.

SENATOR HARTLEY: Uh Huh. Thank you. Questions from committee members? Yes, Senator Guglielmo.

SENATOR GUGLIELMO: Just to clear it up for me, you're a Connecticut company and you -- you -- we're the only state you can't do business in is Connecticut?

MIKE GREEN: Right, yes.

SENATOR GUGLIELMO: Thank you.

MIKE GREEN: And it's -- it's -- you know it's understandable. The law was written in 1981 and when they wrote it they were writing it to protect what they wanted to keep out.

SENATOR HARTLEY: Representative Dargan.

REP DARGAN: You know. I mean you know the history of it. I mean last year it passed, it passed the house unanimously I think and I think it even passed the senate.

MIKE GREEN: Yes.

REP. DARGAN: There are some issues with the Department of Public Health and some other --

MIKE GREEN: there was --

REP. DARGAN: -- some other companies and manufacturers so hopefully those issues could be resolved and we could move forward, thank you.

MIKE GREEN: I believe they are. Thanks again for having me here -- hearing me. Okay.

SENATOR HARTLEY: Representative Giegler.

REP. GIEGLER: Thank you -- you are the exclusive distributor --

MIKE GREEN: Distributer.

SENATOR HARTLEY: Sorry.

REP. GIEGLER: Distributer. Now you mentioned four other businesses in the state of Connecticut -
-

MIKE GREEN: They're waiting -- two of them are waiting to get this passed and two are doing business in New York and Rhode Island.

REP. GIEGLER: Are they distributors or --

MIKE GREEN: No --

REP. GIEGLER: dealers?

MIKE GREEN: -- they're insulation contractors that are wanting to use this product. They are using other products right now also.

REP. GIEGLER: And where is it manufactured.

MIKE GREEN: White Plains, New York.

REP. GIEGLER: Oh my God. Okay thank you very much.

MIKE GREEN: It's been round. We've been through the HUD test. We're working with the safety test and air tests that are being required for the state.

REP. GIEGLER: Okay thank you.

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MIKE GREEN: Yes.

SENATR HARTLEY: Thank you Representative Giegler.
Further questions? Representative Jutila.

REP. JUTILA: Thank you Madam Chair. Can you just
give me the name of your company again and the
name of your product.

MIKE GREEN: Well obviously it's a little
confusing. It's Tripolymer: T R I P O L Y M E
R, Incorporated. And the name of the product
is also tripolymer foam.

REP. JUTILA: Can you repeat that?

MIKE GREEN: Tripolymer foam instillation, that's
the product.

REP. JUTILA: And you are the only one that
manufactures that.

MIKE GREEN: I'm the distributor --

REP. JUTILA: You're the distributor.

MIKE GREEN: Yes. The manufacture is CP Company
down in White Plains, New York and we ship
nationwide.

REP. JUTILA: Okay is there any concern at all if -
- -- you know, you're saying the product is
perf
ectly safe but if it's not handled appropriately,
if it's not mixed correctly, applied correctly
can there be issues with it in that case?

MIKE GREEN: there are stringent -- there's a three
day training course that the dealers have to
attend and pass a 47 question test, they get
manuals, operations, hands on -- most of our
dealers that come on with us are already in

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the construction trade and they understand -- you know -- that there is guidelines that you have to stay in. There's -- there's nothing that would be of a health risk if they installed it properly. What it would do it -- it would disappear in a wall if they got off ratios and off training course.

REP. JUTILA: Okay you said there's no health risk if they install it properly did -- did you mean --

MIKE GREEN: Or no even --

REP. JUTILA: -- improperly? Did you mean improperly.

MIKE GREEN: Even if they did improperly is what I meant the chemicals are not dangerous chemicals. There's nothing, no hazmat or anything that would be a danger if it was mishandled or miss installed it would be in the performance of the installation itself.

REP. JUTILA: Okay and this test that the installers take are they required by law to take that?

MIKE GREEN: No that's our -- our training program and we spot check on dealers, we field questions and we are currently setting up a go to meeting call where once a month the dealers can come in and communicate with other states. There's -- the -- all of the dealers that we deal with are the -- they have to be licensed and insured in each individual state as their own entity and then our training and support thereafter.

REP. JUTILA: Okay and you said in -- earlier in your testimony that -- that there -- no one

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has ever been harmed by it I guess to put it -

-

MIKE GREEN: There's -- there's none to --

REP. JUTILA: -- in layman's terms.

MIKE GREEN: -- my knowledge. It's been here for 38 years. 36 -- 38 years.

REP. JUTILA: Have there ever been any complaints or lawsuits or anything filed against your company or the dealers having to do with the product or the application?

MIKE GREEN: No, there have issues of course when you are dealing with that many houses you know, there's 10,000 houses a year but it's all workmanship and there's really nothing that has ever been charged and followed through with except for repairs

REP. JUTILA: Okay thank you for your testimony and for your patience in answering the questions.

MIKE GREEN: No, no problem.

SENATOR HARTLEY: Thank you very much, further questions? If not thank so much for being with us Mike and I think that the next presenter

MIKE GREEN: Thanks for having me.

SENATOR HARTLEY: Margaret Gorman -- who talking about the same bill.

MARGARET GORMAN: Good afternoon Chairman Dargan, Chairwoman Hartley and members of the Public Safety Committee. My name is Margaret Gorman and I am manager of State Affairs for the American Chemistry council, a national trade

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association representing chemicals and plastics manufactures in the United States including member companies in the state of Connecticut.

Our members are committed to the safety of their products and to the protection of public health. I'm here today in support of Connecticut House Bill 6453 which prohibits foamed in place material except urethane foam or styrene foam insulation from being sold or installed in the state unless the manufacturer or supplier has certified to the State Building Inspector that the material complies with requirements defined in the legislation.

ACC supports the legislation because there is an exemption in the bill for "urethane and styrene foam insulations." Last year, similar legislation that was amended to include urethane and styrene foam insulations was vetoed by the governor. We want to ensure that as the legislation moved through the process, it is not amended to include urethane or styrene foam insulation. For example, spray polyurethane foam is an insulation sealant that can form a continuous air barrier on walls, roofs, around corners and on many surfaces in and around a home or building. It is created at the job site by mixing two liquids that react very quickly expanding on contact to create ridged foam. It not only insulates but seals gaps and some foams can form a barrier against moisture and vapor.

Health and safety for homeowners and spray foam installers is a top priority for the spray foam Industry. ACC Center for the Polyurethanes Industry works to lead the industry towards continuous improvement and encourages increased professionalism in the SPF profession. CPI provides a number of

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guidance documents on safety considerations when using spray foam as well as the popular Spray Foam Chemical Health and Training online program which focuses on the application of spray foam. More than 7,000 people have participated in this program since its launch in 2010. The manufacturers of SPF have also supported SPF's development of a voluntary contractor certification program that was recently -- launched.

The chemistry industry currently employs over 13,000 direct workers in Connecticut. And these jobs generate over \$1 million in earnings. By retaining the exemption for urethane and styrene foam insulations this legislation will help ensure a healthy SPF foam industry in the state and will not negatively impact jobs and workers in Connecticut. Thank you for allowing me to speak today in support of the legislation.

SENATOR HARTLEY: Thank you Margaret. Can you refresh our memory or perhaps maybe this question is misdirected: Was there some concern that came forward at the end of this process because we -- it did pass both houses by another company or I don't know competitor or what?

MARGARET GORMAN: Well we didn't -- our -- we have separate panels within ACC and we do have different members of that panel. We did have members that had concerns so we -- I am -- we are representing that panel and those concerns were that -- you know -- this certification program would impact jobs in Connecticut. They're under the SPF if that ex -- if that helps to answer that question but from what I remember the legislation was amended at the very end to add in urethane and styrene so

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going forward we support the legislation as long as that exemption continues.

SENATOR HARTLEY: So it -- do we have that in here with regard to the certification? Yes, we do. Don't we? Unless the manufacture's supplier has been certified.

MARGARET GORMAN: Right. So -- so -- the legislation, what happened last year was that it added in the two so it would have required styrene and urethane to certify to a (inaudible) of requirements that I believe is mirrored this year as well, the same requirements. Our argument was -- you know -- we have voluntary certification, we have training programs where increased -- you know -- constantly, constantly working in the industry on this to do this -- it to -- this industry as well would negatively impact -- impact jobs in Connecticut. That was --

SENATOR HARTLEY: And so your position hasn't changed on that?

MARGARET GORMAN: Going forward we support it as long as there's an exemption for those two

SENATOR HARTLEY: (inaudible)

MARGARET GORMAN: Urethane and styrene.

SENATOR HARTLEY: Okay thank you.

MARGARET GORMAN: We changed last year because they added it back in in the requirement.

SENATOR HARTLEY: Right it went back and forth --

MARGARET GORMAN: Right.

SENATOR HARTLEY: Through all this --

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MARGARET GORMAN: Right.

SENATOR HARTLEY: Thanks very much. Other questions? Yes, Representative Jutila.

REP. JUTILA: Just one question why would it negatively impact jobs if you're clients or your members of your organization are already doing it?

MARGARET GORMAN: The concern was because the legislation would create additional certification that they then would have -- it would be increased costs to their businesses. They already go through -- you know -- training programs. There's training programs constantly in the industry. They're working on the voluntary ones so this bill -- when the -- when the -- amendment went in last year to add styrene and urethane it was an additional certification to that industry so therefor would be a direct impact -- impact.

REP. JUTILA: An additional certification but I -- I -- maybe I'm -- I'm confused but I -- I thought you were testifying that there isn't a certification requirement right now that that your members do it voluntarily.

MARGARET GORMAN: They do but the concern is that create -- by creating an additional requirement in legislation that they would then be mandated to -- to go under the certification and therefore impact -- impact them financially.

REP. JUTILA: Okay thank you.

MARGARET GORMAN: Sure.

SENATOR HARTLEY: Margaret? Further quest-- yes, Representative Kupchick.

REP. KUPCHICK: Thank you Madam Chairman and thank you for your testimony. So are you suggesting if those two additional foam products are added in then additional training is then required for everyone in the field?

MARGARET GORMAN: it would be under those that -- I mean -- our members that are under styrene and urethane -- under -- under that industry would be impacted.

REP. KUPCHICK: But only if only if the two additional foam products were added in, under state law.

MARGARET GORMAN: If the certification requirements, right. If it was amended then our -- those members would be directly impacted.

REP. KUPCHICK: So let me just -- and help me understand. So if the two additional foams were added into Connecticut's allowable insulation then wouldn't it just be an option for your members to say they would not like to use that kind of foam?

MARGARET GORMAN: No they're all ready -- they're all ready allowed to do business in Connecticut, the issue is the amendment required them to -- to go through all these certification requirements. So they are already allowed to do business in Connecticut but there's all -- what happened was at the end of session it was amended so then those two products -- yes you can do business but you have to do all these certification requirements.

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REP. KUPCHICK: So are you against adding those foams to the Connecticut list or just against the certification requirement?

MARGARET GORMAN: We are -- we would be opposed if they were added in as we were last year opposed and it was eventually vetoed by the governor. If they were added into these certification requirements.

REP. KUPCHICK: Okay, thank you.

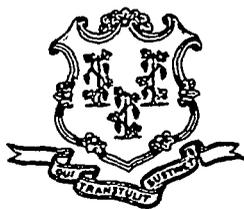
MARGARET GORMAN: Sure.

SENATOR HARTLEY: Thank you Representative. Further questions for Margaret? Seeing none, thanks for being with us. So we will now invite Jay Sargent. Connecticut Association of Pawn Brokers. Jay? Manchester and Waterbury?

JAY SARGENT: Yes. Good afternoon Representative Dargan, Senator Hartley --

SENATORY HARTLEY: Good afternoon.

JAY SARGENT: -- other distinguished members of the Public Safety Committee. It's good to see you again. My name is Jay Sargent. I represent the Connecticut Association of Pawn Brokers and I am in support of raised Bill 928. I am a partner with TC's Pawn Company Jewelry and Electronics in Waterbury and I'm also the president of the Pawn Brokers Association. For many, many years now it seems though we've been here revisiting the issue of precious metals and stones statutes. As licensed pawn brokers our members are all also licensed precious metal and stone dealers. One of the main purposes of Bill 928 as it was with Public Act 1100 is to curb defensing of stolen goods. A large -- a majority of businesses in



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

**TESTIMONY PRESENTED BEFORE THE Committee on Public Safety and Security
February 28, 2013**

Ellen Blaschinski, Branch Chief, Regulatory Services Branch, 509-8171

**Raised Bill No. 6453- AN ACT CONCERNING FOAMED-IN-PLACE INSULATING
MATERIAL**

The Connecticut Department of Public Health (DPH) offers the following information regarding Raised Bill No. 6453, which seeks to change the definition of urea formaldehyde foamed-in-place insulation (UFFI). Formaldehyde is a human carcinogen¹. The original law banning the installation of UFFI was enacted in 1981 because UFFI continued to off-gas formaldehyde into the air of a large number of homes and buildings for many months after it was installed, making occupants ill.

The DPH believes that revising the definition of UFFI as proposed in Raised Bill No. 6453 could result in unintended consequences leading to cases of formaldehyde exposure and ill health. However, being sensitive to points raised previously by the Office of the State Building Inspector (SBI), we would be open to collaborating on a language revision that would protect public health and afford the SBI more flexibility in the type of foamed-in-place insulation products that could be allowed in buildings.

In order to protect the health of Connecticut residents, we believe that the following section of the original law, CGS 29-277 should be retained.

(b) Urea-formaldehyde foamed-in-place insulation shall not be installed in any building or structure on or after June 1, 1981.

Additionally, we believe following the italicized language change to the current bill will offer health protections while affording flexibility for allowable products used to insulate Connecticut buildings.

(4) Test results from a laboratory approved by the State Building Inspector certifying that the cured insulating material meets indoor air quality emissions ***standards of most current version of the California Specification 01350²***, in accordance with any of the following verification methods:

- A. Scientific Certification Systems Indoor Advantage™ + Formaldehyde Free Certification Requirements;***
- B. ASTM WK30960 - New Practice for Spraying, Sampling, and Packaging Spray Polyurethane Foam (SPF) Insulation Samples for Environmental Chamber Emissions Testing;***

Note A is added to include an important verification method. B is added to correct the ASTM method listed in the original bill (ASTM D6007). D6007 is for wood paneling and composite wood and not appropriate for foam products.

¹ IARC Press release 15 June 2004 <http://www.iarc.fr/en/media-centre/pr/2004/pr153.html>

² California Specification 01350 is designed to evaluate and reduce the impact of building materials on indoor air quality and health in buildings. The key elements affecting indoor air quality are in the specification for screening building materials based on emissions testing protocol, hazardous content screening, and avoiding mold and mildew from construction practices.



February 27, 2013

MEMO IN SUPPORT

CT HB 6453

An Act Concerning Foamed-in Place Insulating Material

The American Chemistry Council (ACC), is a national trade association representing chemicals and plastics manufacturers in the United States, including member companies in the state of Connecticut. Our members are committed to the safety of their products and to the protection of the public health. The legislation, CT HB 6453 prohibits foamed-in-place material except urethane foam or styrene foam insulation from being sold or installed in the state unless the manufacturer or supplier has certified to the State Building Inspector that the material complies with requirements defined in the legislation.

ACC supports the legislation because there is an exemption in the bill for "urethane and styrene foam insulations". Last year, similar legislation that was amended to include urethane and styrene foam insulations that was vetoed by the Governor (HB 5248 of 2012). We want to ensure that as the legislation moves through the legislative process, it is not amended to include urethane or styrene foam insulation. Spray polyurethane foam (SPF) differs from urea-formaldehyde (UFFI) foamed-in-place insulation material in several ways. SPF can be spray applied to walls, roofs, attics and crawl spaces and can be applied to new construction. UFFI is pumped into wall cavities through holes drilled in exterior or interior walls, where it then cures and hardens into place. Also, SPF is a widely used and popular insulation material and is not the subject of regulatory bans in the U.S. or Canada.

Health and safety for homeowners and SPF installers is a top priority for the SPF industry. The American Chemistry Council's Center for the Polyurethanes Industry works to lead the industry towards continuous improvement and encourages professionalism in the SPF profession. CPI provides a number of guidance documents on safety considerations when using spray foam as well as the popular free Spray Foam Chemical Health and Safety Training online program, which focuses on the professional application of SPF. More than 7,000 people have participated in the health and safety training program since its launch in 2010. The manufacturers of SPF have also supported the SPF Alliance's development of a voluntary contractor certification program that was recently launched.

Chemistry industry jobs are high-paying. The average wage of a chemistry industry employee in Connecticut is \$117,669, which is 67% higher than the average manufacturing wage. These jobs generate \$1,543 million in earnings and \$1,036 million in federal, state and local taxes on personal income and \$762 million in Social Security and Medicare contributions. By retaining the exemption for urethane and styrene foam insulations this legislation will help ensure a healthy spray polyurethane foam industry in the state and will not negatively impact jobs and workers in Connecticut. For the reasons stated above, we strongly urge support of this legislation.

P7 L18

Distinguished Chairpersons, Vice-Chairpersons, Ranking Members, and Members of the Public Safety and Security Committee:

Thank you for holding this hearing on Raised Bill No. 6453. My name is Michael Green I am President of Tripolymer, Inc. Tripolymer, Inc. is the exclusive distributor in the United States for Tripolymer®, a phenolic based resin which, when combined with air and water, makes injection foam insulation. Tripolymer® is not a urea-formaldehyde foam insulation and urea-formaldehyde is not used in the manufacturing process. Tripolymer® has been used to insulate homes for over thirty (30) years throughout the United States through its network of trained and certified professional installers. It contributes to LEED points for construction projects, is environmentally safe, non-toxic, fire resistant, and non-corrosive. With an R-value of 5.1 per inch, it is the best product on the market for retrofitting homes. My network of dealers has insulated over 10,000 annually for over thirty (30) years. I have Tripolymer® installed in my own home, as do my family members.

I support the ban on urea-formaldehyde foam insulation ("UFFI"). I'm here today to urge you to pass Raised Bill No. 6453 so that non-UFFI products are permitted in the state, as it is in the other states, including California, which this Bill was modeled after. California's regulations are so stringent that UFFI is effectively prohibited. Tripolymer is permitted in California because, as a phenolic based resin, it is not a UFFI, nor should be categorized as such. Connecticut's law, however, is so broad that it makes a product such as mine unlawful, unlike any other state in the Union. This bill will help give Connecticut consumers more energy efficient viable choices from which to insulate their homes.

The passage of this bill is important to at least two (2) businesses located in this state, but who can only give out-of-state consumers the ability to install Tripolymer® and appreciate the energy and cost savings. When this bill is passed, these businesses, and several others, will flourish in Connecticut and will be able to compete with the other insulators. These dealers will be able to generate consumer and tax dollars, employ more people, and give the people of Connecticut additional choices in making their homes more energy efficient.

I believe the passage of this bill will serve to provide the same protection intended in 1981, but will also give homeowners more choices, create jobs, and generate business and consumer tax dollars for the State of Connecticut. Finally, I would recommend that the effective date be upon passage

Thank you for your time.

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2013**

**VOL. 56
PART 8
2153 - 2500**

Also, we had another item on the foot of the Calendar, that's already on the foot of the Calendar, Calendar 120, Substitute for Senate Bill Number 803; would move to remove that item from the foot and also to mark it passed, retaining its place on the Calendar.

Then, Madam President, some items to add to our go-list -- rather to our Consent Calendar before calling for a vote on that Consent Calendar. Madam President, beginning on Calendar Page 22, Calendar 511, House Bill 6243; would move to place that item on the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

On Calendar Page 23, Calendar 517, House Bill 6453; move to place this item on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Moving to Calendar Page 24, Calendar 525, House Bill 6457; move to place the item on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

And on Calendar Page 29, Calendar 562, House Bill 5387; move to place the item on the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if the Clerk would now proceed to read the items placed on the Consent Calendar today, before calling for a vote on that Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Beginning on Calendar Page 3, Number 146, Senate Bill Number 959; also on Calendar Page 3, Number 165, Senate Bill 327.

On Calendar Page 8, Number 303, Senate Bill Number 1018.

On Page 22, Calendar Number 511, House Bill 6243.

On Page 23, Calendar Number 517, House Bill 6453.

On Page 24, Calendar Number 525, House Bill 6457; also on Page 24, Calendar Number 526, Senate Bill 1079.

On Page 25, Calendar Number 527, Senate Bill 1131; also on Page 25, Calendar Number 529, Senate Bill 965. Finally, on Page 25, Calendar Number 531, Senate Bill 986.

On Page 29, Calendar Number 562, House Bill 5387.

On Page 35, Calendar Number 39, Senate Bill 597.

On Page 40, Calendar 210, Senate Bill 817.

THE CHAIR:

Mr. Clerk, on Page 35, have you also seen Calendar Number 44, Senate Bill 809?

A VOICE:

Yeah.

THE CHAIR:

(Inaudible) wrong. Okay. Okay; I apologize, sir.

Please proceed.

THE CLERK:

On Calendar Page 40, Number 210, Senate Bill 817.

On Page 41, Calendar 254, Senate Bill 1013.

On Calendar Page 42, Number 271, Senate Bill 1072;
also on Page 42, Calendar Number 286, Senate Bill
1113.

On Page 44, Calendar 364, Senate Bill 1014.

On Page 46, Calendar Number 397, Senate Bill 992; also
on Page 46, Calendar 406, Senate Bill 1129. And
finally, on Page 46, Calendar 407, Senate Bill 383.

THE CHAIR:

Mr. Clerk, I ask for a roll call vote. The machine
will be open for the Consent Calendar.

THE CLERK:

Immediate roll call vote has been ordered in the
Senate on the Consent Calendar. Immediate roll call
vote has been ordered in the Senate; Senators please
return to the Chamber.

THE CHAIR:

All members have voted: all members voted? The
machine will be closed.

Mr. Clerk, will you please call the tally.

THE CLERK:

On the Consent Calendar.

Total Voting	36
Voting Yea	36
Voting Nay	0
Absent, not voting	0

THE CHAIR:

The Consent Calendar passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, at this point, having concluding the day's business, would certainly yield the floor to any members for purposes of announcements or committee meeting or -- or other points of personal privilege.

THE CHAIR:

Are there any point -- points of personal privilege or announcements? Are there any personal privileges or announcement?

Senator McKinney.

SENATOR McKINNEY:

Thank you, Madam President.

Madam President, as fate would have it, we came close yesterday to being able to celebrate the birthday of two of our members. Yesterday we celebrated the birthday of Senator Slossberg; today, we get to celebrate the birthday of Senator Len Fasano, so --

THE CHAIR:

All right.

SENATOR McKINNEY: