

TO: DEP Commissioner Martin Suuberg  
FROM: Judith Eiseman

RE: Listening Session September 30, 2015

I am here because I want strong regulations in all of our environmental agencies. I want the law enforced even-handedly and professionally by sufficient numbers of well-paid staff. To the extent that EOEEA and its agencies are focused on new initiatives and improvements and public education to gain regulatory compliance with the good laws on our books, I am appreciative. I support the points outlined in the letter to Undersecretary Madden sent by Massachusetts Association of Conservation Commissions, the Massachusetts Land Trust Coalition and the Massachusetts Rivers Alliance as well as that endorsed by the Executive Order 562 Coalition. I have additional concerns and questions for you today.

Having witnessed past efforts to have agencies "serve the customer" and "streamline regulations" and "do more with less," I am dismayed at the Governor's Order—one which serves to undercut environmental regulations yet again by calling for regulations that do not have "adverse affects" on any entity and yet another "review" (as a colleague of mine says) "to grease the skids" for folks who apparently are unable to comprehend the cumulative damage being done daily to the air, water and land of the Commonwealth. We are not well served by government that provides exemptions or weakens regulations to benefit the few at the expense of the many.

Regarding the outline you have provided indicating regulations under consideration for amendment, Murphy's Law rules: "Anything that can go wrong, will go wrong." Note that I am

- skeptical about adding self-certification mechanisms and exemptions to the ground water discharge permits program. Self certification is a questionable concept generally supported by the fox though harmful to the hen.
- puzzled by the proposed changes that might bring Massachusetts regulations into alignment with federal regulations on air pollutions control. If these are weaker, why would we want that? Whose interests are being served?
- wondering what streamlining to reduce requirements for industrial wastewater may mean. Please consider the cumulative effects of hundreds of small operations and require strong standards for everyone.
- wondering why Regional Greenhouse Gas Initiative provisions should not be strengthened —just what "allowances" are being sought?

A number of rescissions are recommended because grant programs are no longer being funded. While this seems logical on it's face, in reality our legislators and officials are choosing to spend our money elsewhere. Some of these programs are success stories in pollution prevention; in assisting the general public, businesses and local municipalities to conserve and restore water supplies; and to ensure proper disposal of hazardous or other waste products. Perhaps a re-alignment of incentives and priorities—or increases in taxes and fees—is in order. Whatever the problem with refunding or redesigning these programs, I hope careful thought is being given to altogether abandoning them.

My life's work as an environmental advocate began nearly 40 years ago as a conservation commissioner in the Town of Pelham. Back then, the experts in the field, and in the regional offices, as well as legislators, and the public were pulling together trying to ensure clean air, soil and water, guard and restore natural ecosystems. The onus was on polluters to pay a price and clean up their operations, and the emphasis was on educating ourselves and the public on the relationship between a healthy environment and a healthy economy. Business leaders recognized that a clean environment attracted good workers and increased profits.

Undoubtedly there were excesses and some over reach in the early zeal some of us felt to save the common and prevent tragedy. We had a heady sense of the possibility of making a positive impact on our natural world. Necessary regulatory improvements were and continue to be made to address real issues and problems that arise. Right now, our forests, wetlands, farms, parks, water supplies and communities still need your time focused on administering the laws and regulations we have— not wasted in trivial pursuit of more benefits for the few.

Over the years I have witnessed the virtual capture of the regulatory system by folks who seem to want more than their fair share or who care more about the bottom line in the next quarter than the future of the planet. If the regulations seem complicated, it is because of the many loopholes and exemptions already provided to ease so-called "burdens." Corporate lobbyists found ways to change regulations to serve interests and make adjustments that have often run counter to the greater good. Good faith efforts to balance the interests devolved into treating "applicants" who sought limited permission to alter a piece of the environment into "customers" who demanded to be served in their efforts to increase their profits. In fact, what these corporations desire is no regulation at all.

We have balanced economic and environmental interests until there is very little balance left in nature. Habitats and species are disappearing—and humans are not exempt from that fate.

There are limits to growth and limits to the amounts of water, air, soil, and land to sustain us. There should be limits to what we will tolerate as give-aways to those who don't give back to the environment that sustains life as we know it. I hope no more time will be spent on this fool's errand of reform, because time is running out to make changes that really matter.

Thank you for your attention to my concerns.

Note: For identification purposes only, please note that I currently serve as President of the Swift River Valley Historical Society, as Chair of the Advisory Council of the Kestrel Land Trust, and on the board of the Massachusetts Rivers Alliance and Pelham Planning Board. I am a past Trustee of the Water Supply Protection Trust, past President of the Massachusetts Association of Conservation Commissions and have served on multiple state, regional and local boards and committees working on a variety of environmental concerns. My comments do not necessarily reflect the opinions of these or other organizations with which I am affiliated although I am aware of considerable alignment of concerns and viewpoints.