

Talks, DEP (DEP)
Friday, October 16, 2015 3:07 PM
Simpson, Deneen (DEP)
FW: MASS ENVIRONMENTAL ROLLBACK

Subject:

From: Robert E. Rutkowski
Sent: Thursday, October 01, 2015 11:03 AM
To: Constituent Services (GOV)
Cc: Talks, DEP (DEP)
Subject: MASS ENVIRONMENTAL ROLLBACK

Governor Charles Baker

Office of the Governor
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Re: MASS ENVIRONMENTAL ROLLBACK

Dear Governor:

Your drive for wholesale repeal of regulations exceeding federal standards puts many of the Bay State's most important environmental safeguards at risk. The Department of Environmental Protection (DEP) has unveiled a preliminary plan to implement this directive which names 28 sets of regulation subject to revision or repeal but this list may grow substantially next year when another 58 regulations will become "sunset" candidates.

On March 31, 2015, you issued Executive Order 562 directing all state agencies to review any regulations within their purview and to sunset all of them by March 31, 2016 unless they can demonstrate that the regulations are "essential to the health, safety, environment or welfare of the Commonwealth's residents." Even then, any remaining regulations must go through a cost/benefit analysis, may not exceed federal requirements and must not adversely affect the state's "competitive environment."

Concern is expressed about rules promulgated under three laws which may run afoul of your criteria:

- The Wetlands Protection Act, which is more stringent than the federal Clean Water Act;
- The Massachusetts Endangered Species Act which, by its definition, exceeds federal requirements, because it protects species that are rare in the Commonwealth; and
- The Water Management Act, which regulates the amount of water municipalities can use without drying up streams and aquifers.

What makes Massachusetts special includes the quality of wildlands, wildlife habitats and streams –the very items this Executive Order targets. You have fired a starter pistol to trigger a race to the bottom, with Massachusetts vying to become the Mississippi of New England.

The DEP has unveiled its “Work Plan for Executive Order 562” which lists 18 regulatory packages the agency is considering for potential amendments, including those covering groundwater discharges, air pollution, industrial wastewater and greenhouse gas emission. It also identifies ten sets of regulation for “potential rescission.” Another 58 regulations, including the Water Management Act, are on the chopping block this upcoming March.

So far, the Executive Order has spawned a large paper exercise which has improved neither the environmental nor the business climate. Note that you has not elicited any evidence supporting your central premise that Massachusetts regulations are a measurable restraint on economic growth. Good governance requires more than a one-size-fits-all prescription.

The public comment period on Executive Order 562 concludes today.

Thank you for the opportunity to bring these remarks to your attention.

Yours Sincerely,
Robert E. Rutkowski

cc:
House Minority Leadership
MASSDEP

Re: PEER comments: http://www.peer.org/assets/docs/ma/10_1_15_PEER_comments_EO562.pdf