



# Save the Sound<sup>®</sup>

Action for our region's environment.

**Testimony of Save the Sound  
Before the Committee on Labor and Public Employees**

***In support of House Bill No. 6381***

**AN ACT ESTABLISHING A TASK FORCE REGARDING THE STATE WORKFORCE  
AND RETIRING EMPLOYEES**

**Submitted by Katherine M. Fiedler, Esq.  
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*Save the Sound is a nonprofit organization representing over 4,200 member households and 10,000 activists statewide. Our mission is to protect and improve the land, air, and water of Connecticut and the entire Long Island Sound region. We use legal and scientific expertise and bring citizens together to achieve results that benefit our environment for current and future generations.*

Dear Co-Chairs Kushner and Porter, Vice-Chairs Cabrera and Sanchez, Ranking Members Sampson and Arora, and members of the Labor and Public Employees Committee:

Save the Sound expresses its support for HB 6381, which establishes a task force to study the state workforce and retiring employees. The upcoming 2022 retirement cliff will affect agency resources statewide, and its impacts will likely be aggravated by the budget constraints that have resulted from the coronavirus pandemic. These retirements will impact the ability of state employees to meet their core responsibilities and limit their ability to remain dynamic to take on emerging issues. It is critical that succession planning be conducted immediately. However, we also encourage this task force to consider the impacts to resources that state agencies are already facing and which are baked into the 2022 retirement cliff – impacts that we cannot halt from a forthcoming review of staff retention and recruitment. These considerations include measures to ensure the transition of institutional knowledge, the mutual benefits of transparency to both limited agency resources and empowerment of the general public, retention of agency oversight in light of expected regulatory and administrative changes, and opportunities to evaluate and ensure that core responsibilities continue to be met. Further, the task force should look at agency-specific impacts and opportunities, as the way each agency adapts to resources constraints will be inherently different given their unique core responsibilities. We understand that this is no small charge, but an urgent one nonetheless.

Of particular concern to Save the Sound and its members is the impact of the 2022 retirement cliff to the critical environmental and public health responsibilities of the CT Department of Energy and Environmental Protection (DEEP). Environmental inspection and enforcement is at the core of DEEP's mission as it ensures compliance with environmental laws that protect our water, land, wildlife, and air, and our public health. The Environmental Quality branch is responsible for a transparent and fair system of inspections for facilities capable of spewing toxic

and dangerous chemicals into our water and air or devastating critical forests and wetlands. The Environmental Conservation branch is responsible for a field presence to assure that fish and game are protected and that our natural spaces do not suffer from intensive use. If these functions are not protected, there is no meaningful environmental protection.

DEEP has already faced decades of being asked to do more with less, and has done a commendable job of maintaining positive environmental outcomes despite limited resources. Upcoming retirements will dramatically accelerate strains on DEEP's resources and its ability to fulfill its core function of environmental enforcement. If DEEP is not adequately funded and staffed to fulfill this responsibility, we will see significant threats to environmental and public health and quality of life for Connecticut residents. In the current coronavirus pandemic, we are seeing the critical importance that state government plays and the breadth of its role, as well as the need for state government and its agencies to remain dynamic in an unsettled world.

It is estimated that 40 percent of all state employees are eligible to retire before July 1, 2022, and that actual retirements might be on the scale of 30 percent. Actual DEEP retirements will likely follow this pattern. In 2019, DEEP staff were surveyed as to how long they plan to continue to work for the agency. The survey did not distinguish whether departures were due to 2022 retirements or other reasons. It should be noted that staff turnover at state agencies is higher than in decades past in general, with a more mobile workforce and diminishing benefits of state employment. Approximately 26 percent of DEEP staff who responded to the survey only planned on remaining with the agency for 3 more years. An additional 14 percent of DEEP staff anticipated leaving the agency within 3-5 years.

Fundamentally, effective environmental enforcement, which is necessary to maintain and improve public health and environmental outcomes, requires *people*. Enforcement staff ensure that environmental requirements are met by the regulated community through both direct enforcement and through the expectation of consistent enforcement. Environmental enforcement requires a suite of skills and acquired expertise in order to be done most effectively and efficiently, including: proper permitting with adequate sampling parameters and appropriate limits; audits of self-reported testing and monitoring data; on-site inspections; follow-up and correspondence; drafting of informal enforcement documents; pursuance of formal enforcement actions, requiring enforcement technical staff and agency attorneys; and follow-up for post-enforcement action compliance. Certain tasks require familiarity with permit requirements and facility components. Others can be best conducted with open communication with facility staff supported by longstanding relationships. Some tasks require historical knowledge of facility operations and actions taken to address issues.

Within the Environmental Conservation branch, Environmental Conservation officers enforce fish and game laws, but also ensure public safety in the state's natural areas both on and off the water. These roles inherently require "boots on the ground" for both the actual enforcement, and a consistent presence to promote compliance forthright.

Most of these roles cannot be easily replaced by new, inexperienced DEEP staff, or technology alone. While technology and the reconfiguration of agency structure and staff positions might alleviate some resources constraints, effective enforcement inherently requires

sufficient well-trained and experienced staff. Enforcement staff, through on-site inspections, correspondence, and innate knowledge of facility operations are able to identify issues that warrant attention and triage to target enforcement priorities. There is no substitute for experienced enforcement staff, therefore staff retention, preservation and transfer of institutional knowledge, and prompt rehiring are critical.

- DEEP must have resources to re-hire sufficient numbers of inspection and enforcement staff to replace the functionality of those that are anticipated to retire, ultimately retaining or enhancing the Department's enforcement capacity.
- DEEP must plan ahead to ensure that employees are trained in advance to replace the functionality of senior positions that are anticipated to be vacated.
- DEEP must prepare for and retain flexibility to tackle emerging issues.
- DEEP staffing and resource constraints must not be used as a reason for stripping responsibilities and oversight from the Department in legislative roll-backs.

Parallel to the proposed scope of the task force is the review of statewide and agency-specific efficiencies undertaken by the CT Office of Policy and Management, whether that be the implementation of technology and e-governance tools or the reconfiguration of staffing roles and responsibilities. As Department of Administrative Services Commissioner Geballe stated, we are faced with an “opportunity to reinvent how we do things.” These other measures can not only help fill the gaps where staffing and resources remain an issue, but can also achieve mutually beneficial results to both state agency resources and the general public when implemented correctly. While these efficiencies should not be considered as a substitute for adequate staffing, they should be considered in concert with the staffing considerations docketed for the proposed task force. Some transparency and efficiency efforts, such as those listed below, require front-loaded resources that should be allocated immediately.

- Transitions to e-governance must be prioritized, including front-heavy resource needs.

E-governance provides cost and resource saving opportunities for DEEP and will prove beneficial to the regulated community, the environmental community, and the general public. However, the transition to e-governance takes time and resources, as platforms are designed and documentation is digitized. Additional resources allocated today for this transition will pay dividends in the future. Further, e-governance tools must not only assist the regulated community in permit applications and compliance, but must be provide information to the general public and the environmental community.

- DEEP must make compliance and enforcement data transparent and available to the public to allow citizens and communities to understand the threats to their communities and take action.

As part of the implementation of e-governance, DEEP must make compliance and enforcement data transparent and available to the public. This will ease administrative burdens on strained

agency staff, as well as enable citizens to understand the activities in and threats to their communities and empower them to voice their concerns. E-governance must not just be seen as a way to streamline permitting, but rather it is also critical to empower citizens with information. This is especially true if DEEP transitions to general permits or permitting by regulation for several permitting schemes, and if DEEP staff are less able to take their own enforcement actions.

These changes must not be made without caution and oversight. Importantly, for DEEP and all other state agencies, it is critical to track and review the impacts of any changes to operations and responsibilities, in light of that agency's charge.

- DEEP must track compliance rates to ensure continued environmental outcomes.

DEEP must track and publish compliance rates to ensure continued environmental outcomes, especially as the agency reconfigures staffing roles and permitting schemes. Tracking compliance rates and environmental outcomes will ensure that any necessary changes have not negatively impacted the environment and public health. If compliance or environmental outcomes decline, then the Department can use this data to identify where improvements and reevaluation is needed. Compliance rate metrics must be publicly available.

In light of the agency specific considerations that must be made for proper succession planning and resiliency amidst resource constraints, we encourage the task force to include representation, feedback, or proposals from agency leadership. Finally, Save the Sound requests that the proposed task force include robust and frequent opportunities for public involvement and comment. Partners like Save the Sound, and other non-profit organizations, or members of the public have a keen awareness of the impacts of state agency operations on their communities or areas of concern. We also have an understanding of opportunities for mutually-beneficial solutions and partnerships that should be fully leveraged in this moment of reflection and change.

Save the Sound supports this effort to conduct much needed succession planning, and staff retention, in order to ensure the better functioning and resiliency of our state agencies. We encourage further dialogue on this issue with regard to our concerns about the critical function of DEEP in protecting and improving environmental quality and public health.

Respectfully submitted,

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