



STATE OF VERMONT
HOUSE OF REPRESENTATIVES

January 11, 2024

Dear Chair Squirrel and LCAR Members

Thank you for the opportunity to provide input on the Agency of Natural Resources' proposed Investigation And Remediation Of Contaminated Properties Rule (IRule), which includes a proposal to permanently adopt the action levels for investigation and mitigation of PCB releases in school buildings (IRULE).

The Administrative Procedure Act, 3 V.S.A. § 838, requires every rule proposed by a State agency to include an economic impact analysis that analyzes the anticipated costs and benefits to be expected from adoption of the rule. This economic analysis is required to include a "specific and clearly demarcated evaluation of the cost implications to local school districts and school taxpayers." Moreover, the economic impact analysis shall "clearly state the associated costs" of a proposed rule on schools.

The House Committee on Education (Committee) objects to ANR's proposed IRule because of what the Committee concludes to be a woefully inadequate economic impact analysis. The Committee would direct LCAR's attention to ANR's Economic Impact Analysis for the IRule, with specific attention to the fourth question seeking the Agency's input on the "Impact on Schools." This required section asks ANR to: "Indicate any impact the rule will have on public education, public schools, local school districts and/or taxpayers, clearly stating any anticipated costs."

ANR's response correctly states that costs to investigate and mitigate PCB impact will fall on the "public education system," but the Agency provides no estimate at all as to what those costs may be. ANR also provides no detail on the other impacts from PCB investigation and mitigation on the operation of a school that has tested above the PCB action levels. There has been enough experience in the program to date for ANR to provide significant detail as to how PCB investigation and mitigation can affect the operation of schools.

The economic impact and cost of addressing the requirements on schools testing above the PCB action levels is, indeed, hard to quantify

because this program was created by the Administration without having conducted those estimates prior to implementation. However, at this time, the program has identified enough schools testing above the action level and is creating enough Corrective Action Plans to have enough information to provide a more detailed analysis of the costs to schools of PCB investigation and mitigation. In short, the proposal in the IRule to make the PCB action levels permanent deserves much more than “there will likely be costs borne by schools” as the sum total of ANR’s analysis.

We ask that LCAR support the Committee on Education’s objection and require ANR to provide an economic impact analysis worthy of such an expensive, far-reaching, high-consequence, complex public and environmental health initiative.

Sincerely,

Rep. Peter Conlon
Chair, House Committee on Education