



Testimony

Submitted on behalf of the
Pennsylvania Chamber of Business and Industry

Public Hearing on House Bill 1576 The Endangered Species Coordination Act

Before the:

**House Environmental Resources and Energy Committee
and House Game and Fisheries Committee**

Presented by:

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Good morning, Chairmen Miller and Vitali, Chairmen Causer and Haluska, and members of the House Environmental Resources and Energy and House Game and Fisheries Committees. My name is Shawn Good, Director of Government Affairs for the Pennsylvania Chamber of Business and Industry (Pennsylvania Chamber), the largest broad-based business advocacy association in Pennsylvania. The Pennsylvania Chamber represents thousands of businesses from all industry sectors and of all sizes—from sole proprietors to Fortune 100 corporations. On behalf of the Pennsylvania Chamber, I want to thank both standing committees for giving us the opportunity to provide testimony on House Bill 1576, which would establish the Endangered Species Coordination Act.

Presently, any industry in Pennsylvania that seeks a state permit for development or redevelopment projects is required to evaluate their potential impact on threatened and endangered species and their critical habitats. As you have already heard from some industries in the state, this current process can often lead to unnecessary delays that ultimately increase the costs of these economic development projects, consequently undermining the necessary balance between threatened and endangered species management and economic development in the state. House Bill 1576 attempts to realign this important balance by establishing a uniform, transparent, and accountable process for the evaluation, designation, and protection of threatened and endangered species in Pennsylvania.

I will defer to our members who have provided testimony or will provide testimony to your committees on the specific examples as to how the current threatened and endangered species evaluation process will be improved by this legislation. What I would like to accomplish in my testimony is to correct and clarify the misinformation that has been conveyed to your committees, the general public, and the media about this legislation.

First and foremost, I would like to dispel the misconception that this legislation benefits only the natural gas industry. You have already heard from other industries, and you are likely to hear from more, about how House Bill 1576 would improve and provide more balance to the current process for evaluating, designating, and protecting threatened and endangered species. The intense focus placed on one specific industry diminishes the concerns faced by a multitude of industries impacted by the current process.

Furthermore, I respectfully would like to remind the committees that environmental regulatory requirements cost businesses hundreds of thousands and even millions of dollars in compliance. Revenue set aside to comply with these requirements is revenue that is not being used for research and development, the commercialization of new products, business development, and, ultimately, job creation in a multitude of occupations throughout the state. This is not to say or suggest in any way that these requirements should be repealed. Certainly, the Pennsylvania Chamber and its members believe that there are certain environmental regulatory requirements that are necessary to ensure environmental and ecosystem protection. However, some of the

requirements being discussed today have been in place for decades and should be reevaluated to ensure that there is truly a balance between environmental protection (specifically, in this case, threatened and endangered species management) and economic development. House Bill 1576 provides for that.

Second, I would like to address the provision in House Bill 1576 that would require the Pennsylvania Game Commission (PGC) and Pennsylvania Fish and Boat Commission (PFBC) to adhere to the regulatory review process under the Regulatory Review Act for threatened and endangered species designations and PFBC wild trout stream designations. Some have argued that this provision would diminish or usurp the authority of the PGC and PFBC to designate threatened and endangered species. It would not. It simply proposes to make these two agencies' rulemakings subject to the same regulatory review process followed by other state agencies, including the Department of Environmental Protection (DEP) and the Department of Conservation and Natural Resources (DCNR) for its threatened and endangered species designations. I would like to stress, however, that the current PGC/PFBC process for establishing hunting and fishing seasons or setting bag or creel limits would not be changed under this legislation.

The regulatory review process is designed as an open, transparent, consensus-building process that gives stakeholders involved in a rulemaking the opportunity to provide input to the Independent Regulatory Review Commission (IRRC). Stakeholders do not just include businesses and industries; they include environmental advocacy groups and the regulatory agencies themselves, not to

mention the general public. Contrary to what some have said, the IRRRC is not a political organization; it is an impartial and independent agency whose mission is to determine whether proposed regulations are in the public interest based on a clear set of criteria found in the Regulatory Review Act. These criteria include the protection of public health, safety, welfare and the effect on natural resources.

The IRRRC has been reviewing DEP and DCNR regulations for decades and no one questions its expertise to do so. The regulatory review process would ensure that there are consensus-based science, data, and methodology to support an action to designate species as threatened and endangered. Frankly, it is short sighted to suggest that only the PGC and PFBC have acceptable science, data, and methodologies at their disposal. Businesses and environmental advocacy groups also have this information and should be allowed to have it considered in a proposed listing or de-listing of plant, wildlife, and fish species as threatened and endangered. The regulatory review process would allow that to happen in an open and transparent manner. Furthermore, if the PGC and PFBC are using sound, verifiable science, data, and methodologies in arriving at their proposed designations, and there is no reason to think otherwise, these agencies should have no concerns about having to make their case in the same manner as does every other state regulatory agency.

Finally, to suggest, as some have, that the regulatory review process is designed to favor the business community is far from accurate. Because the regulatory review process is truly based on stakeholder engagement, and does

consider an array of factors and opinions in the rulemaking process, final regulations are not always in the best interest of the business community or any specific stakeholder for that matter. Most environmental regulations contain provisions that prove costly for certain industries even as other provisions may be acceptable to business.

Business and industry only ask to have the same input in the PGC and PFBC regulatory process as it is afforded with other agencies. Other stakeholders should welcome this opportunity as well. In fact, having threatened and endangered species designations subject to the Regulatory Review Act could strengthen such designations because they would have received feedback from all stakeholders with an interest in the designation process. As I mentioned at the beginning of this testimony, it is about striking an appropriate balance between threatened and endangered species management and economic development, and House Bill 1576 does just that.

Again, I want to thank both standing committees for giving the Pennsylvania Chamber the opportunity to provide written testimony to you on this important issue, and I welcome any questions or comments you may have.