

**Remarks of
John Oliver
before Pennsylvania House of Representatives
Environmental Resources & Energy Committee's
hearing on House Bill 1400**

Thursday, April 27, 1995

On behalf of Western Pennsylvania Conservancy, the state's largest private land conservation organization, I am pleased to express our strong support for House Bill 1400. This legislation, which will create the Department of Conservation and Natural Resources (DCNR), and change the name of DER to the Department of Environmental Protection (DEP), is an idea whose time has come and deserves your careful consideration.

The primary focus of this measure is on the 2.3 million acres of our magnificent state parks and state forests, which contain some of America's finest lands and waters. Only Alaska and California have more state parks, and Pennsylvania's two million acre state forest system is one of the largest east of the Mississippi. Our public lands generate significant economic benefits to the Commonwealth, as well. Visitors to state parks spend over \$563 million dollars annually, and state forest lands are an integral part of Pennsylvania's \$4.5 billion dollar forest products industry. For too long they've been on the sidelines in DER. It's now time to showcase their greatness and to enhance their contributions to Pennsylvania's \$8.5 billion dollar tourism industry. Our parks and forests will find a new home in DCNR, whose secretary will be their spokesperson at the highest levels of government.

This legislation also transfers the Department of Community Affairs' (DCA) Bureau of Recreation and Conservation into this new department. Again, not enough is known about the Bureau's important land conservation activities. This bureau primarily addresses community open space needs, which are vital to the quality of life in cities and towns across

the state. DCNR will be better able to promote the Bureau's work, as well as to aggressively pursue new opportunities through Key'93 bond monies for rivers and greenways and rails-to-trails projects.

Environmental protection in DER has been a subject of fast and furious action over the last 25 years. Governor Ridge and Secretary Seif are committed to making serious reforms in environmental regulation in the new Department of Environmental Protection. The extensive use of command and control will be replaced with cooperation, assistance, and more streamlined permit reviews. Our free market economy will be asked to play a much larger role in solving air, water, and waste problems. Good science, sound economics, and technological innovation will be the keystone elements in departmental decision-making. Two entirely new entities--the Office of Pollution Prevention & Compliance Assistance, and the 21st Century Environmental Commission--are creative developments that will demand considerable attention.

Two aspects of this legislation have raised some concern. The Environmental Quality Board (EQB) will be charged with specific functions, while the Secretary will have sole responsibility for developing regulations. We believe this is a positive move that will simplify the regulatory process, and allow the opportunity to try new, more open ways for public participation. For example, regulation negotiated rule-making (reg-neg) has proved to be successful at the federal level. That's because parties dealing with a particular issue are involved in the early stages of regulation drafting. This allows all sides of an issue to be fully presented before legislation is considered. Secretary Seif is trying it on the Special Protection Waters Program, and if it works here, there's no end to its potential.

DER is also determining how to make better use of the 33 advisory groups presently associated with DER programs. As a member of DER's Citizens Advisory Council (CAC) for 12 years, I am proud of the CAC's work, and feel that advisory groups, if properly utilized, can make meaningful contributions to the Commonwealth's environmental programs. I am delighted that there is a similar advisory council mandated for DCNR.

The separation of DER into DEP and DCNR can take place without creating any additional bureaucracy or cost. The two departments can coexist peacefully in the same building and can share staff and equipment through memorandums of understanding. If a scalpel is used rather than a butcher knife, the separation can take place with a minimum of disturbance. As time goes on, I would even expect cost savings to materialize as programs are more critically evaluated.

In conclusion, the Western Pennsylvania Conservancy views House Bill 1400 as a win-win situation. The new DEP, under the leadership of Secretary Seif, will be able to concentrate on advancing change and innovation in the way we conduct the business of environmental regulation. They need our support, and this committee can get that off to a good start by establishing the DEP.

A cabinet level DCNR will be able to accentuate our public lands and deliver high quality recreation services to our Commonwealth's citizens and neighbors. We will be able to fully appreciate and value the true worth of our state parks, forests, local greenways, and natural areas to the quality of our lives.

House Bill 1400 presents an exciting opportunity during the 25th anniversary of Earth Day. We respectfully urge you to pass this legislation as a fitting tribute to a new day of environmental protection and resource management in Pennsylvania.