



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Clark B. Freise, Assistant Commissioner**

January 17, 2017

The Honorable John O'Connor, Chair  
House Environment and Agriculture Committee  
Legislative Office Building, Room 303  
Concord, New Hampshire 03301

**RE: HB 101, An Act relative to certification for solid waste operators**

Dear Chair O'Connor and Members of the Committee:

Thank you for the opportunity to testify on HB 101. This bill would change the term of a solid waste facility operator's certification from one year to three years with no change in the \$50 fee currently required by statute. In addition, the bill would exempt persons who volunteer to work at a solid waste facility from the requirement to be certified, when working under the direct supervision of certified personnel. The New Hampshire Department of Environmental Services (NHDES) opposes this bill.

NHDES administers a statutory program that provides training and certification of solid waste operators to assure compliance with the NH Solid Waste Rules, and to assure the safety and protection of operators, the general public, and the environment.

The solid waste stream can contain many hazardous items, the mismanagement of which can result in serious harm to individuals and the environment. Operators must know how to recognize and safely handle these items, which include household hazardous wastes such as chemical products, oil and gasoline, pesticides, water reactive or ignitable wastes, mercury-containing wastes, refrigerants, household sharps (needles) and other medical waste, asbestos, and wastes that are banned from being landfilled and incinerated.

Currently, NHDES trains and certifies over 1,300 solid waste facility operators annually, including many who work at local municipal solid waste transfer stations, as well as those working at commercial solid waste processing, treatment, and disposal facilities. We offer a day long basic training class for new operators and a variety of continuing professional development workshops for operators who must, by rule, accrue 2.5 hours of additional training annually to maintain their certification from year to year. With the recent addition of a full-time position dedicated to running the program, NHDES has been able this past year to add many new training opportunities to its calendar and we look forward to implementing other initiatives to expand and make training more accessible statewide. The program enjoys wide support in the regulated community. In fact, during calendar year 2016, students consistently gave high marks to their training experience and their comments on evaluation forms make it clear that most operators find high value in their training experience. Equally important, the program allows NHDES to build and maintain positive working relationships with the operators.

NHDES opposes this bill as written for the two key reasons explained below.

[www.des.nh.gov](http://www.des.nh.gov)

PO Box 95, 29 Hazen Drive, Concord, NH 03302-0095  
Telephone: (603) 271-3503 TDD Access: Relay NH 1-800-735-2964

Creates a Safety Risk by Exempting Volunteers:

The bill exempts volunteers working under the direct supervision of certified personnel from being trained and certified. In the context of safely operating a solid waste management facility, there is no meaningful distinction between an unpaid volunteer and a paid staff member, unless the nature of the volunteer's assigned work is different. Recognizing this, NHDES in 2014 adopted a rule (Env-Sw 1602.02(b)) that exempts volunteers who (1) engage in only activities that are essentially non-hazardous, such as giving out information and sorting recyclables, (2) work under the supervision of a certified operator; and (3) receive training and safety equipment from the facility owner that is adequate to ensure the purpose of NHDES training is met. NHDES believes the current exemption in the rules is appropriate, and that the proposed statutory exemption is too broad in scope to protect the health and safety of the volunteers, their co-workers, and the public that uses these facilities.

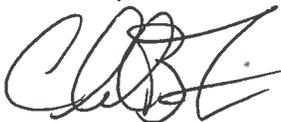
Decrease in State Revenue:

The bill will result in a 67% decrease in revenue, because it leaves in place the \$50 certification fee specified in the statute, while increasing the certification term from one to three years. We note for the record that the \$50 fee has not increased since 1989. The revenue is deposited by law into the nonlapsing revolving fund established in RSA 21-O:1-a (Publication Fund) for use by NHDES in publishing and providing educational materials. The projected loss of revenue will have a significant adverse effect on the agency's ability to publish and provide needed public information.

In summary, NHDES opposes HB 101 because it allows untrained persons to engage in potentially hazardous activities when volunteering to work at a solid waste facility, increasing risks to health, safety and the environment, and because it significantly reduces an important source of revenue that will adversely impact the level of service NHDES can provide to the public.

Thank you for the opportunity to comment on HB 101. If you have questions or need additional information, please contact Tara Mae Albert, Solid Waste Operator Training & Certification Program Coordinator ([Tara.Albert@des.nh.gov](mailto:Tara.Albert@des.nh.gov), 271-3713) or Pamela Hoyt-Denison, Director of the Waste Management Division ([Pamela.Hoyt-Denison@des.nh.gov](mailto:Pamela.Hoyt-Denison@des.nh.gov), 271-2945).

Sincerely,



Clark B. Freise  
Assistant Commissioner

cc: Sponsors of HB 101: Reps. Manley, McNamara