



February 8, 2008

Michele Totten
Department of Environmental Protection
Bureau of Air Management
79 Elm Street
Hartford, Connecticut 06106-5127

Re: Comments – Proposed R.C.S.A. Section 22a-174-31a
Greenhouse Gas Emission Offset Projects

Dear Ms. Totten:

Woodard & Curran appreciates the opportunity to submit the following comments regarding R.C.S.A. Section 22a-174-31a Greenhouse Gas Emission Offset Projects.

1. 22a-174-31a(i)(4)(B)

An independent verifier's application for accreditation is required to include a demonstration that the applicant has at least two years of experience in each of the knowledge areas specified in subdivision 22a-174-31a(i)(1)(A)(i) through (x). However, 22a-174-31a(i)(1)(A)(v) states that the individual must have demonstrated knowledge of the requirements of sections 22a-174-31 and 22a-174-31a. Because these regulations have just been developed, it is not possible for any individual to demonstrate that he/she has "at least two years of experience" in that knowledge area. Similarly, we believe most of the other subdivisions under 22a-174-31a(i)(1) should not be subject to the two year criteria.

We suggest 22a-174-31a(i)(4)(B) be reworded to state, "Demonstrate that the applicant has at least two years of experience in each of the knowledge areas specified in subdivision (1)(A)(i) through (~~x~~**iv**) of this subsection;"

2. 22a-174-31a(i)(4)(D)

An independent verifier's application for accreditation is required to include a sample of at least one work product that provides supporting evidence that the applicant meets the requirements in 22a-174-31a(i)(1)(A). However, most of the subdivisions in 22a-174-31a(i)(1)(A) do not readily lend themselves to demonstration in a work product. This fact is demonstrated by proposed subdivision 22a-174-31a(i)(4)(E), for example, which requires the applicant to "Provide documentation that the applicant holds professional liability insurance as required pursuant to subdivision (1)(A)(vii) of this subsection" rather than requiring that the applicant submit a "work product" as supporting evidence for this criteria.



We suggest 22a-174-31a(i)(4)(D) be reworded to state, “Include a sample of at least one work product that provides supporting evidence that the applicant meets the requirements in subdivision (1)(A)**(i) and (v)** of this subsection.” Demonstration of compliance with other qualifications required by 22a-174-31a(i)(4) is addressed by our comments 3 and 4 below.

3. 22a-174-31a(i)(4)(F)

We recommend that the text in this subdivision be modified for consistency with 22a-174-31a(i)(4)(E) to state, “Demonstrate that the applicant has implemented an adequate management protocol to address and remedy any conflict of interest issues that may arise, **pursuant to subdivision (1)(A)(ix) of this subsection.**”

4. 22a-174-31a(i)(4)

Similar to our comment regarding 22a-174-31a(i)(4)(F) above, we recommend that subdivisions should be added to clarify the Department’s expectation for adequate documentation required to fulfill the additional requirements of 22a-174-31a(i)(1)(A). For example:

- a) 22a-174-31a(i)(1)(A)(vi) should not be required as part of an application for accreditation. We suggest that the Independent Verifier “Demonstrate that no direct or indirect financial relationship, beyond a contract for provision of verification services, exists with any offset project developer or sponsor” as a component of the independent third-party verification process, using specifically worded certification language that could be specified in 22a-174-31a or in the instructions for an offset project application package.
- b) 22a-174-31a(i)(1)(A)(viii) should not be required as part of an application for accreditation. We suggest that the Independent Verifier “Certify the truthfulness and accuracy of all documents, reports and conclusions submitted to the commissioner or the commissioner’s designee” as a component of the independent third-party verification process, using specifically worded certification language that could be specified in 22a-174-31a or in the instructions for an offset project application package.

We recommend that the remaining subdivisions of 22a-174-31a(i)(1)(A) be clarified as follows:

(G) Demonstrate that the applicant has the qualifications to meet the requirements specified in 22a-174-31a(i)(1)(A)(ii) through (iv); and

(H) Certify that records will be maintained for a period of 10 years from the certification report, and those records will be made available for audit by either the commissioner or its agent, pursuant to subdivision (1)(A)(x) of this subsection.



We further request that, following the implementation of these regulations, the Department provide in instructions for an application package or in written guidance as to the type of documentation that the Department feels would adequately demonstrate the necessary qualifications for accreditation specified in 22a-174-31a(i)(1)(A)(ii) through (iv) and (vi) through (viii), such as a resume, proof of receiving a college degree in an applicable pursuit of study, certifications of course completions, etc.

Woodard & Curran appreciates the Department's consideration of these comments.

Sincerely,

WOODARD & CURRAN INC.

A handwritten signature in cursive script that reads "Tom Scelfo".

Tom Scelfo
Senior Vice President