

IN Citizen Connect

Special Edition: Testimony



The DePauw Environmental Policy Project has been in action since 2009. Our mission: The DePauw Environmental Policy Project (DEPP) is a unique program offered at DePauw University intended to provide state legislators with sound, nonpartisan research on environmental issues and students with experiential learning of the public policy process. Members of the group include Annie Bowers, Nathan Cummins, Shota Ebata, Elizabeth Massoth, Terrell Moore, Katherine White, and Professor Kelsey Kauffman.

This is a special edition of our newsletter that presents student testimony during just one week of the legislative session.

TABLE OF CONTENTS

House Bill 1007

Katherine White - Page 1

Terrell Moore - Page 2

Nathan Cummins - Page 4

Annie Bowers - Page 5

House Bill 1107

Shota Ebata - Page 6

House Bill 311

Elizabeth Massoth - Page 7

House Bill 1007

Katherine White

Note to reader: House Bill 1007 would have required drug testing for adults who receive TANF (Temporary Assistance for Needy Families, commonly referred to as “welfare”). Although not an environmental bill, it was of particular interest to many group members for reasons highlighted in the following testimonies. Democrats in the House strenuously opposed the bill and managed to get an amendment adopted that would have required drug testing of legislators as well. The bill was very complicated, so Annie Bowers, Nathan Cummins, Terrell Moore, and Katherine White spent three long days mapping it (see p. 3). On February 15, all four students testified before the Senate Committee on Health and Provider Services, which defeated the bill 5 - 5.

My colleagues and I spent the last three days trying to understand and map House Bill 1007. This chart is our result in the most straightforward form we could devise. I would like to preface by saying that the chart likely contains errors. If you come across a mistake, don't blame our diligence but rather this convoluted bill.

There are three major paths for a TANF recipient: Consenting, Non-Consenting and Reasonable Suspicion.

I'd like to draw your attention to just two of the many problems we see with this bill: the issues of “refusal” and “reasonable suspicion.”

Refusing drug testing has consequences in the consenting and reasonable suspicion paths. The bill, as it stands, treats refusals as test failures. Maybe someone is refusing testing because they take drugs. Or, perhaps that person cannot pay for a test or cannot drive to a clinic; this is a real issue in rural areas.



Katherine White encourages the Senate Committee on Health and Provider Services to realize the problems associated with the “reasonably suspicious” clause within House Bill 1007.

As for reasonable suspicion, the definition begins vaguely and turns unlimited. If a person has committed a crime, been charged with an offense concerning controlled substances, has missed a TANF meeting or failed to turn in online applications, then they are “reasonably suspicious.” The bill does not clearly define what constitutes a crime. Do even the smallest crimes count? And why does missing a meeting make an individual suspicious?

What’s more, county office employees are able to “determine when reasonable suspicion exists” from factors other than those listed. This authority is unnecessary and subjective and invites abuse.

House Bill 1007

Terrell Moore

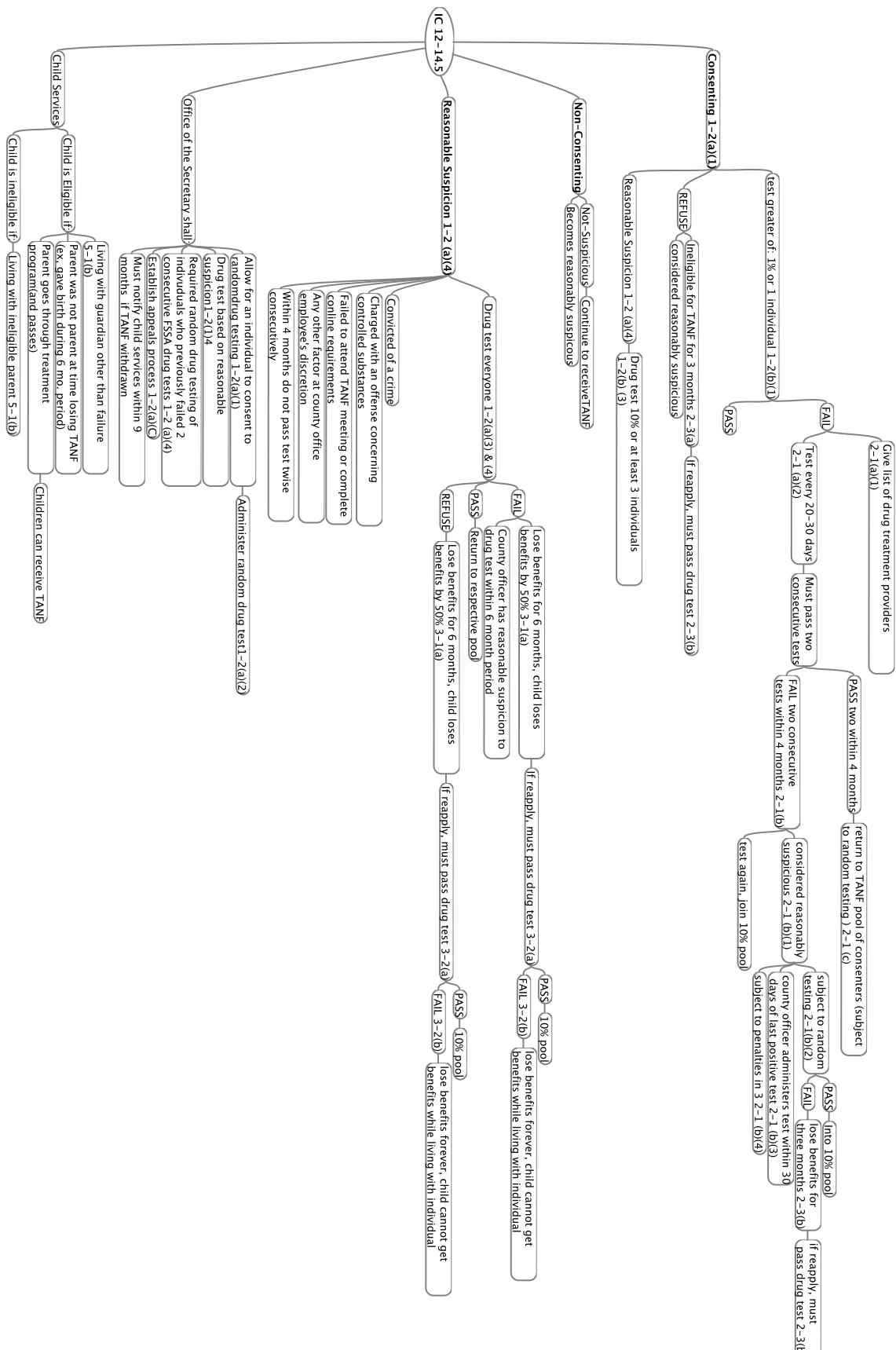
There are of number of issues that I would like to call to the committee’s attention.

The first issue I would like to raise is that there is no provision in the bill on possible drug testing for TANF assistance groups containing more than one adult. After speaking with an FSSA employee able to answer questions about TANF, it is to my understanding that more than one adult can be part of an assistance group receiving TANF funding. An example of this would be a household receiving benefits containing two parents. Would both parents be drug tested? If so, what would happen if one of them tested positive and the other does not? I think this issue should be cleared up and addressed by this committee.

The second issue I would like to bring to the committee’s attention is the risk of TANF recipients losing their benefits due to a false positive. If you refer to your chart, an individual who fails an



Terrell Moore criticizes House Bill 1007 for its failure to safeguard children against unwarranted financial abandonment in the case of one parent failing a drug test.



administered drug test under reasonable suspicion shall lose their benefits for a period of 6 months under Chapter 3 of this bill, without taking an additional test to confirm the accuracy of the first.

Because prescription drugs are commonly mistaken for controlled substances during screening, requiring a second drug test to confirm the first makes sense. I suggest that such tests be administered to those who test positive under reasonable suspicion before they lose their benefits.

The final issue I would like to address is the possibility of parents having to leave their children in order for the child to keep their TANF eligibility. Referring back to your chart or copy

of the bill, under Chapter 3, Section 2, Subdivision (b), a parent reapplying for TANF benefits after 6 month ineligibility is required to pass a second drug to receive assistance.

Should that parent fail the second drug test, not only would they be permanently ineligible for TANF, but the child on whose behalf they receive TANF also becomes ineligible as long as the child lives with that parent. This raises problems for the family, for it asks the parent to decide between keeping the family together or leaving the home in order to continue the child's eligibility. I would ask that this committee remove all language like that from the bill. TANF is meant to strengthen American families, not tear them apart.

House Bill 1007

Nathan Cummins

I would like to offer a cost-effective alternative to the “gold-standard” drug tests required in the bill, which can cost anywhere from \$25 to \$50 per test.

The state will end up paying for most of the drug tests. Florida has enacted similar legislation, and the state had to reimburse 98% of TANF recipients who passed. There is no reason to assume Indiana TANF recipients use drugs at a significantly higher rate than Florida recipients. It is certain however that the State will get stuck with the costs of the unnecessary testing.

Instead of employing elaborate testing procedures in order to discover a small minority of drug-abusing welfare recipients, the state should implement more cost-effective screening measures for the majority of law-abiding, impoverished Hoosiers.



Nathan Cummins offers an alternative to the proposed drug-testing method in House Bill 1007.

Seventeen other states have debated legislation on drug testing welfare recipients and decided against it due to fiscal concerns. Some states, such as Louisiana, opted instead for an initial drug-screening program to be included with welfare applications due to fiscal practicality. Kentucky recently considered legislation in committee that would have welfare recipients first complete a psychological screen, and then a blood or urine screening if the survey indicated possible substance abuse issues.

For example, the Substance Abuse Subtle Screening Inventory (SASSI) is a psychological questionnaire designed to screen individuals for substance dependence and abuse issues. It is the most frequently used psychological screen used in drug and alcohol treatment centers and was shown to be 93% accurate in identifying people with substance dependence and abuse issues in peer-reviewed experiments. Once trained, a welfare worker could administer the screening in 15 minutes for around \$5 per test, a fraction of the time and resources required for urine screenings.

Those who fail the psychological screening would still have to pay for the additional urine screens required in the bill to prove they are, or are not, on drugs. Since the welfare recipient is most likely going to pass the initial drug screening, whether it be the urine screen or the survey, cost-effective alternatives can eliminate wasteful spending and protect tax payers' interest.

House Bill 1007

Annie Bowers



Annie Bowers describes the typical welfare recipient in Fayette County, Indiana.

I have been a fortunate Hoosier; no one in my immediate family has ever had to use government assistance.

Other than, of course, the substantial farm subsidies my family receives, the 21st Century Scholarship that allows me to attend DePauw, and the numerous tax deductions we receive for purchasing tractors, farm infrastructure or supplies.

When I first began studying this issue I didn't think of the average TANF recipient as being someone in my community. I soon realized the national stereotype of the poor, urban single mom living the high life is not the true face of welfare. Instead, it is a small, rural, desperately poor family living in my own legislative district. More than a third of all income in neighboring Fayette County, which Senator Leising represents, comes from government assistance.

But only a tiny proportion of that percentage is TANF income. Of the almost three hundred TANF recipients in Fayette County, three-quarters

are children. Yet as you can see by the charts you have in front of you, children aren't really considered in this bill. The complicated program this bill would establish would only serve to limit my neighbor's access to necessary services.

I ask you to consider the single mother who is called in for a drug test, but her vehicle is broken down, and can't get to the office. Why is this instance treated the same as failing a drug test? Something as simple as missing a meeting can qualify you for the added burden of being deemed "reasonably suspicious" and then having the added responsibility of taking a drug test.

Is it not already difficult enough to raise children on an income below the poverty level, which is

the income level required to qualify for TANF? The average TANF recipient in Fayette County in December 2011 received \$179. That's all. While this money is small it can help a struggling family buy the essentials. Why are we working to restrict access to necessary resources for our neighbors in need and their children? I agree that TANF recipients should not be using drugs, but I believe the program established by this bill will prevent even those law-abiding struggling citizens from accessing necessary resources.

TANF recipients are the poorest of the poor, they are in my community, they are struggling, and this bill will do nothing to help them. I hope you will reconsider.

House Bill 1107

Shota Ebata

Note to Reader: Last year the General Assembly passed legislation requiring disclosure of chemicals used in hydrofracking coal bed methane. House Bill 1107 extends these disclosure measures to encompass all forms of hydrofracking. Shota Ebata presented the following testimony before the Senate Committee on Energy and Environmental Affairs on Feb. 13.

The Illinois and New Albany Basins located within southwestern Indiana have plentiful natural gas, which can be extracted through hydrofracking. Indiana Code (*IC 14-37-3-14.5(3)(A)*) requires that operators disclose the types and amounts of all fluids and products used only for hydrofracking coal bed



Shota Ebata testifies on a bill that will increase transparency for all hydrofracking processes in Indiana.

methane wells. Yet, more transparency for hydrofracking operations in general is needed in Indiana as proposed in this bill.

The EPA, in its most recent study, indicated the likely relationship between hydrofracking of coal bed methane wells and contamination of drinking water in Wyoming. Chemicals used for hydrofracking were detected in domestic wells near the site of operations. Furthermore, the attempt in Congress over the last two years to include hydrofracking under the Safe Drinking Water Act reflects concern over safety of water resources on a national level. Although Indiana has not faced problems related to hydrofracking for over 50 years, it would be in the best interests of Hoosiers to know that operations in Indiana are actually safe.

In order to enhance this provision, I would like to make two suggestions.

First, mistreatment of wastewater is one possible contaminant for the environment.

Pennsylvania requires operators to disclose the amount of wastewater and clean-up procedures for the waste. Indiana should also require operators to disclose information regarding clean-up procedures to enhance transparency and make operations safer.

Secondly, the quality of underground water in proximity to hydrofracking sites should be tested before and after hydrofracking operations. The collection of baseline data would provide objective measures to evaluate the safety of hydrofracking operations in Indiana.

I believe this bill goes a long way toward raising standards for hydrofracking in Indiana and protecting Indiana's environment and citizens.

House Bill 311

Elizabeth Massoth

Note to Reader: House Bill 311 would consolidate three environmental boards into one. Elizabeth Massoth testified before the House Committee on Environmental Affairs on Feb. 15.

My first concern with the proposed Environmental Rules Board is its reduction of the total number of board members. There are currently 30 board members (4 of the same ex officio members on each board and 26 other appointed members) who have respective responsibilities for air pollution, water pollution, and solid waste management concerns. Were the proposed Environmental Rules Board to be adopted, that number would be cut in half. My concern is that this bill

reduces the total number of board members while simultaneously tripling the responsibilities for each member. The duration of meetings would increase and the conduct of business would likely become less efficient due to long hours and unfamiliar environmental matters. Furthermore, the bill has no provisions that ensure expertise is not lost in the process of member reduction.

Another concern is: Who will fund the board? The fiscal impact statement shows the 2011 fiscal year expenses for the Air Pollution Control Board and for the Water Pollution Control Board were paid out of separate EPA grant funds, and expenses for the Solid Waste Management Board were paid out of the Solid

Waste Management Fund. However, no details are given as to where funding will originate following the consolidation of the board. Once the various environmental issues are consolidated into one board, will the EPA special-purpose grant funds still be able to cover expenses? For example, once the board takes care of solid waste management, water pollution AND air pollution, will the Air EPA Federal Grant Fund cover the cost even though the board also handles the other two subjects? Perhaps this question may be answered by others testifying today.

These concerns aside, the question still remains: Why is this consolidation even necessary? From what I gather, main arguments in favor of the consolidation are based upon the assumption that it will save the state money, with the fiscal impact statement stating the consolidation “could result in a reduction in expenses for IDEM.” The fiscal analysis “predicts” costs will decrease, but the cost reduction is not guaranteed.

Furthermore, a reduction in cost is not actually necessary. For the 2011 Fiscal Year the gross expenses for running the three separate boards was about \$8,400, of which \$7,000 was covered

by EPA Grant Funds, and only \$1,400 covered by what I assume is state money through the Solid Waste Management Fund. Yes, it is always important to be economical, but is \$1,400 really breaking the state’s bank so much that a consolidation of boards is necessary?

Fourteen hundred dollars is a small price to pay in order to ensure some oversight of Indiana’s environment and improve the overall quality of Hoosiers’ health. Evidence suggests the actual intent of the bill, therefore, is to deregulate the environment by weakening some of the few measures, or boards in this case, that still exist at the state level to protect it. If the reputation of current boards is less than impressive, the logical next step should be not to consolidate them, but rather to re-analyze the current organization of boards. For example, why is only one member of each board an actual expert on environmental matters? Why is there a greater percentage of special interest representatives than environmental proponents?

Please do not pass this bill.

For further information regarding the bills discussed in this issue, please visit in.gov/legislative (click on “Bills and Resolutions” then “Complete Information for All Bills”).

The DePauw Environmental Policy Project now hosts a radio show every Wednesday evening at 9:00 pm. To listen, please tune in to [91.5 WGRC](http://91.5WGRC.com), “Your Sound Alternative.” We hope you’ll join us!