

**Senate Executive Departments and Administration
Committee**
Cameron Lapine 271-2104

HB 128, adding notification requirements to the weather modification statute.

Hearing Date: April 14, 2021

Time Opened: 10:52 a.m.

Time Closed: 11:06 a.m.

Members of the Committee Present: Senators Carson, Reagan, Ricciardi, Cavanaugh and Prentiss

Members of the Committee Absent: None

Bill Analysis: This bill requires notice before a state agency attempts to modify the weather.

Sponsors:

Rep. Aron

Rep. Potucek

Rep. Allard

Rep. Howard

Rep. Sylvia

Sen. Ward

Rep. T. Lekas

Rep. Nunez

Who supports the bill: Representative Judy Aron (Sullivan – District 7), Amy Vickers, Christina Tekin, Representative Alicia Lekas (Hillsborough – District 37), Senator Ruth Ward (District 8), Eric Pauer, Alexandra Mennella, Alvin See, and Patricia Anastasia.

Who opposes the bill: None.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Representative Judy Aron

Sullivan – District 7

- Representative Aron said that HB 128 adds a public notice requirement to RSA 12-F:1. The weather modification experimentation (WME) statute has been in law since 1953, was last edited in 1985, and has never been used. She said RSA 12-F:1 allows State departments and agencies, with approval from the Governor and Executive Council, to do WME. She said that there is no mechanism other than the calendar notice for Executive Council meetings to make the public aware of what is happening or what is planned.
- Rep. Aron said that a full repeal of HB 128 was attempted in 2013 but failed in House Science, Technology, and Energy. She said another full repeal was attempted in 2020 but failed in Senate Executive Departments and Administration over concerns that repealing RSA 12-F:1 would eliminate any possible guardrails for WME.

- Rep. Aron said that HB 128 would put in place public notification of WME taking place. Two months prior to the Governor and Executive Council approving the WME, notice would need to be given in four newspapers and online with the date and type of the WME, as well as the chemicals and technology being used and a statement as to what effects the WME could have on the health of citizens and wildlife and the funding mechanism for the WME.
- Rep. Aron said that although she is not a scientist, she believes it is an increasing point of agreement amongst scientists that it is impossible to control the weather. She said there have been both large and small tests but it is too challenging to carry out experiments and it is unclear if they are harmful to the planet or to people.
- Rep. Aron said that the Department of Environmental Services has no permitting requirements for WME and that it may be worth looking into, as private businesses may be looking into conducting WME.
- Rep. Aron said that RSA 12-F:1 is very broad and gives *carte blanche* authority to the Governor and Executive Council over WME.
- Senator Carson thanked Rep. Aron for hearing the Committee's comments on SB 520 (2020) and responding to those concerns.
 - Rep. Aron said that she was a first-term member in 2020 and learned a lot from her experience with SB 520 (2020).

Amy Vickers

Engineer and Water Consultant from Amherst, MA

- Ms. Vickers said that WME is a growing practice and has been around since the 1940s. She said that it is necessary in cases where there is a severe drought. She said that WME is only used when necessary and can be beneficial but does have some risks and costs involved.
- Ms. Vickers said that it is unknown how the chemicals used in WME impact human health. She pointed out that the public is notified when pesticides are used at large, such as when communities spray for mosquitos.
- Ms. Vickers said that, historically, there has been a record of cloud seeding WME causing damages, leading to lawsuits from farmers from flooded fields and lost crops and livestock. She said that public notification would allow for potential risks to be known.
- Ms. Vickers said that there is a public safety risk with WME and suggested devastating impacts from a cloud seeding WME in Southern New Hampshire that shifted into the White Mountains during the peak hiking season.
- Ms. Vickers spoke in general terms about the value of public notification.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.