

3/12/84

MINUTES OF THE House COMMITTEE ON Energy and Natural ResourcesThe meeting was called to order by Representative David J. Heinemann at
Chairperson3:30 ~~xxx~~ a.m./p.m. on February 28, 1984 in room 519-S of the Capitol.

All members were present except:

Representative Ken Grotewiel (excused)
Representative Betty Jo Charlton (excused)

Committee staff present:

Ramon Powers, Legislative Research
Theresa Kiernan, Revisor of Statutes' Office
Pam Somerville, Committee Secretary

Conferees appearing before the committee:

Leary Johnson, Kansas House of Representatives
Mary Ella Simon, Kansas League of Women Voters
Fred Allen, Kansas Association of Counties
Spencer Seery, Individual
Dave Pomeroy, Individual
John Blythe, Kansas Farm BureauHearing for Proponents on HB 2863 - An act concerning litter control; requiring redeemable beverage containers. HB 2863 provides for deposits on all beverage containers.

Representative Leary Johnson, a sponsor of HB 2863, addressed the committee on the increased problem of highway litter, particularly that of beverage containers. He cited several alternatives that had been proposed, but more specifically, encouraged redeemable beverage containers. Representative Johnson noted that bills of this type had been before the legislature in past years. He also noted that nine other states had adopted legislation in an attempt to clean up debris from the highways and roadside parks. Representative Johnson said the bill would encourage the use of reusable containers by lowering the deposit amount to five cents. In closing remarks, Representative Johnson said states that had adopted similar legislation had resulted in an 85% decrease in litter volume. He urged favorable passage of HB 2863. (See Attachment 1). A brief question and answer period followed the presentation.

Mary Ella Simon, representing the League of Women Voters of Kansas, appeared in support of HB 2863. Ms. Simon noted that this was not the first time she had appeared in support of the proposed legislation, and that now, as in the past, the League urged favorable passage. Ms. Simon stated that while a beverage deposit law will reduce litter, it would also save energy and natural resources, though the percentages may be quite small in comparison. She alluded to the fact that implementation of the system could be costly, but the ultimate savings to the industry and the consumer could be considerable. She pointed out that the cost to fill a beverage container was six cents, four cents for a nonreturnable and two cents for a returnable container. In closing comments, Ms. Simon said the League supported the concept of giving consumers a choice of returning bottles to a retailer or a redemption center, as long as the deposit was the same. (See Attachment 2). A brief question and answer period followed her presentation.

Mr. Fred Allen, Kansas Association of Counties, addressed the committee on HB 2863 and said the Association took no official stand on the bill. He did say, however, that Section 8 addressed the problem of litter control and asked the committee to carefully consider Section 8 of the bill. A brief question and answer period followed his presentation.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Energy and Natural Resources,
room 519-S, Statehouse, at 3:30 ~~xxx~~ p.m. on February 28, 1984.


Mr. Spencer Seery, Kaw Valley Bicycle Touring Club, (See Attachment 3), appeared in support of HB 2863. Mr. Seery stated, that as a cyclist, he had major concerns about the large amount of litter on the highways. He also alluded to the fact that litter contributes to cycling accidents, particularly when broken glass is involved. He cited statistics supporting his concern. In a three year period, 28 million bicycle tires and 39 million bicycle tubes were replaced at an annual cost of \$370 million. Broken glass accounted for 50% and possibly 75% of the tire and tube replacements. Secondly, he stated, bicycle injuries, suffering, and possible death, were the result of broken glass on the highways. In summation, Mr. Seery said the enactment of HB 2863 would have a positive benefit for all residents of Kansas and would be especially beneficial to Kansas bicyclists to make the roads and highways safer for cycling. A brief question and answer period followed his presentation.

Mr. Dave Pomeroy, appearing on his own behalf, expressed support for the legislation. (See Attachment 4). Mr. Pomeroy stated that while the legislation would not correct all of the littering problems, it would have a positive effect on the amount of litter found on the highways.

The final conferee was Mr. John Blythe, Kansas Farm Bureau. Mr. Blythe supported HB 2863 stating it would promote private enterprise and that adoption of the legislation was a positive beginning to the promotion of highway clean up and reduced litter.

There being no further business before the committee, the meeting was adjourned at 4:20 p.m.

The next meeting of the House Energy and Natural Resources Committee will be February 29, 1984 at 3:30 p.m. in Room 519-S.



David J. Heinemann, Chairman

Date 2-28-84

3:30 pm

GUESTS

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE

NAME	ADDRESS	ORGANIZATION
John Rlythe	Manhattan	Ks Farm Bureau
Matt Selby	Lawrence	Sierra Club
WHITNEY B. DAMRON	TOPEKA	KENRE
Paul F. DeBange	Emporia	Ks Beer Wholesaler
Neal Whitman	Topeka	" " "
John Peterson	Topeka	Anheuser Busch
Fred Allen	Topeka	Ks Assoc. of Counties
TOM KENNEDY	Topeka	ABC
ML Jenkins	Topeka	CBS
N. Zogleman	"	NBC
Darf Patton	101	KRDA
Don Simpson	Topeka	Walker Cigarette Co.
Francis Kastner	Topeka	Ks Good Dealers Assn.
Ron Caches	TOPEKA	KCC
Jessy Leonard	TOPEKA	KGE
Carl D.	Topeka	WED
Mary Ellen Simon	Topeka	Lg. of Women Voters
Rich Floyd	Topeka	Lg. of American Wheelmen
SPENCER SEERY	TOPEKA	LEAGUE OF AMERICAN WHEELMEN
Dave Pomeroy	Topeka	none



TOPEKA

HOUSE OF
REPRESENTATIVES

LEARY J. JOHNSON
REPRESENTATIVE, 118TH DISTRICT
LOGAN, GOVE, GRAHAM, TREGO
AND PARTS OF NESS AND ROOKS COUNTIES
1000 WARREN AVE
WAKEENEY, KANSAS 67672

COMMITTEE ASSIGNMENTS
MEMBER AGRICULTURE AND LIVESTOCK
INSURANCE
TRANSPORTATION

Mr. Chairman and Members of the Committee:

I appreciate the opportunity to bring House Bill 2863 before you today. You will note that HB 2863 addresses a problem which I believe demands an immediate solution. This problem characterized by the term, throw-away society, represents the increasing volume of litter, which clutters and distorts the landscape of our beautiful communities and the State of Kansas.

It wasn't too many years ago that I sat as a Committee member on a hearing involving the very same issue. I have to admit, I had mixed emotions on the litter issue. I, perhaps, was not convinced the problem was at the extent being presented and that the solutions available really addressed the problem. But, let me tell you from first-hand knowledge, what I personally discovered this past summer. I was engaged in a test operation with the state involving haying operations along the Interstate 70 highway. At the very beginning I realized that our major obstacle was going to be caused by the large volume of debris, namely bottles and cans, found in the adjacent grass areas. It was unbelievable the amount that had to be physically picked up before our operations could begin. Without exaggeration, we filled six large plastic bags every mile. This involved walking an area approximately 40 feet wide by 60 miles long, and people this amounts to alot of trash. It seemed like every third step we were bending over to pick up a discarded piece of litter. Believe me, the problem exists and the problem continues to grow each day.

This problem is not unique to Kansas. During this winter, my wife and I had the opportunity to visit Hawaii. As we visited many of the historic and picturesque sites, our attention was diverted from the beauty of the scene to a very unsightly appearance created by assorted debris laying about. You had to make a special effort to eliminate this assorted trash from the field of the camera. The great throw-away society, where is it taking us, and what does it entail if it continues to go unchecked in the future. Nine other states have now addressed this problem and I believe it is time that

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Kansas first (1) recognize that a problem exists and (2) decide on and initiate a solution.

I wish to make it clear at this point in my testimony that the litter problem extends far beyond bottles and cans. However, this is where the majority of our problems exists and where I personally feel we should begin.

Let's now look at House Bill 2863 and see how it will apply to Kansas. It is what can be referred to as a bottle bill, which will require a 10¢ deposit on all cans and bottles, which are used to house cereal malt beverages or beer, mineral waters, soda water or carbonated soft drinks intended for human consumption. The bill allows and encourages the use of reusable beverage containers of a uniform design by lowering the required deposit to 5¢. There are also provisions in the bill which address storage and sanitation problems in addition to a paid handling fee to offset expenses incurred at the retail and distributors level. The fine structure for littering has been drastically increased with the addition of discretionary public service requirements. Also local county and city governments are encouraged to adopt similar littering legislation. Enforcement at this level is enhanced by retention of the fines collected.

There will be many who follow that will refute or condemn my attempts. I am sure that arguments against may be justified in some cases and I welcome good constructive criticism that will address the problem. However, I suggest the committee not be fooled by those who appear here with a selfish motive or dedicated to the desires of a few.

You will hear how unfair it is to single out an industry. I would remind those who argue this point, that the bottle and can industry is important to the economy of this great land, but with this importance, comes a certain sense of responsibility and obligation. Their product is the one most commonly found strewn about our countryside and their product represents a major source of litter which needs to be dealt with. Our efforts in this area will not only clean up this form of debris, but also establish a precedent for legislation to follow in the future. You will be informed of efforts by Industry to deal with the litter problem. In other

words they will be admitting that they are contributing to the litter problem. They have established and are to be applauded for their efforts for establishing BIRP, the Beverage Industry Recycling Program. Several such centers have been created throughout the state where cans and glass can be sold. Again, these efforts are commendable, however, do not create the necessary incentive to insure all cans and bottles are picked up. For an example, from my own experience, I delivered 880 pounds of bottles to the closest redemption center to our community, some 30 miles away. The total amount of revenue received was \$4.40 or 1/2¢ per pound, while the cost of fuel to transport the load was \$4.50. Even with this loss, it discounts labor, time and the energy expended. You can see that with this legislation, the redemption centers will play a valuable and vital role.

You will hear about the potential storage and sanitation problems associated with returnable containers. I wish to again point out the flexible nature of HB 2863. The bill contains provisions that eliminate these potential problems for the retailer by allowing each community to establish redemption centers. Also, while health hazards are being discussed, I believe it important to point out a 1975 California study indicated that 300,000 injuries per year can be contributed to litter. These accidents mainly resulted by discarded litter left in public recreation areas.

While litter reduction is the focal point of this legislation, other important benefits can be realized. Where litter bills have been adopted, marked reduction in the amount of raw materials and energy utilized has been noted. Also, the elimination of waste helps preserve space used in our landfills. These benefits will result in a savings of both resources and money in the years ahead.

I will admit that industry probably will initially experience a change in capital investment and market strategy. However, previous studies and reports indicate that after the first year of the introduction of a litter bill, sales return to or exceed the previous level. It is also important to point out, that investment costs become minimal in that the industry captures the deposit for those cans and bottles that are not returned, which can range about 10%. Also, the costs associated with the manufacture of bottles is drastically reduced with the introduction of refundable containers. The glass

containers can be used numerous times, this eliminating the manufacture of new and a savings on the old. Industry will appreciate the additional revenue through sales in the recycling program. Certain other benefits will be realized in that additional labor and service requirements will stimulate local economies.

Public acceptance has proven to be positive. I made a special effort to verify these reports by personally soliciting comments from people who reside in states who have a bottle bill. In all cases, these people have responded favorably.

The change to a new system will not be without some difficulty and unanticipated events. This is why I ask you and the industry to first admit that we have a problem and then be willing to work together in combating an eye-sore in our state. What is funny is that in all the mail I have received from mainly retailers who are against this legislation, not once have I detected a sense of responsibility to help eliminate our problem. Most have been more interested in their pocket book than what may confront the future generations of this state.

The results of other states who have adopted similar legislation has been fantastic. Within the first year about 85% decrease in litter volume was noted. All the reports and studies that I have read indicate that it can be done and needs to be done.

I for one, do not want to live in the middle of a garbage pit, nor do I think you do. The only alternative to this dilemma that I see is that we can do something about it now or our children can take care of it later. The problem is real--what are we going to do about it and when.

I thank the Committee for your indulgence and Mr. Chairman, I would be happy to answer questions.

LWVK LEAGUE OF WOMEN VOTERS OF KANSAS

Feb. 28, 1984

TESTIMONY ON HB 2863

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE

Chairman Heinemann and Members of the Committee:

I am Mary Ella Simon speaking for the League of Women Voters of Kansas in support of HB 2863.

The debate over a beverage deposit law is familiar territory for most of us -- League testified in 1979 in support of SB94 and again in 1981 in support of HB's 2173 and 2174.

The League believes that a beverage deposit law will reduce litter, and statistics show that it does. States now having deposit laws show a dramatic decrease in litter from bottles and cans.

The League believes that it will save energy and natural resources and, though these reductions may be small percentage wise, they will be significant in an overall sense including worthwhile reductions in the use of aluminum and steel.

We believe that it could create more jobs, even encourage the establishment of local breweries and bottling plants in Kansas.

We recognize that changeover costs to a returnable system will be high initially, but the ultimate savings to the industry and the consumer could be considerable. When the price of the product going in the bottle is less than 1/10th the total cost, the consumer is paying a high price indeed for a throwaway container.

In a recent Consumer Affairs report, Pepsi-Cola and Dr. Pepper

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LWVK LEAGUE OF WOMEN VOTERS OF KANSAS

pointed out that the cost to fill a beverage can is 6¢, 4¢ for a nonreturnable bottle, and 2¢ for a returnable bottle. The cost today to buy a single can of pop from a machine ranges from 40¢ to 50¢.

The same Consumer Affairs report notes that the advent of the throwaway container enabled beverage industries to build large, centralized facilities which resulted in many small firms going out of business. Since one-way containers eliminated the need to send empties back to a plant for refilling, products could be shipped much longer distances, and from 1958 to 1976 the number of brewers in the United States dropped from 184 to 49. This has resulted in a loss of 150,000 jobs in the container industry.

The League supports the concept of giving consumers a choice of returning bottles to a retailer or a redemption center, if the deposit return is the same in both places.

Increasing the fine for littering may be effective though we doubt if many of us in this room have seen or known of anyone who was caught littering and fined \$500. The problem of catching a midnight dumper is as real in the case of littering as it is for those who dispose of hazardous waste unseen and unpunished.

We believe that most of us would like to live in a litter-free environment and that a beverage deposit law could be a step in that direction. We ask that you help keep Kansas beautiful and support HB 2863.

Mary Ella Simon
Mary Ella Simon
Lobbyist

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Statement by Spencer Seery before the
House Energy and Natural Resources Committee

February 28, 1984

Thank you, Mr. Chairman, and members of the Committee. I appreciate the opportunity to speak before you. My name is Spencer Seery, and I am a member of the board of the Kaw Valley Bicycle Touring Club of Topeka, The Topeka Bicycle Advisory Board, the League of American Wheelmen, and a bicycle commuter and tourist.

Bicycle use, especially bicycling for transportation and recreation, has increased significantly in the past few years. In this light I wish to strongly endorse HB 2863 and the concept of mandatory deposits on beverage containers.

Many good reasons have been advanced to support deposit legislation: savings in energy and materials, creation of jobs, cleaner roadsides, and a reduced solid-waste load. While these reasons appeal to us too, we bicyclists have a very special perspective on this issue. We suffer a unique and disproportionate burden as a direct result of broken glass on the roads and streets of Kansas. No other group bears a similar burden, and no other solution to the problem of throwaway containers (such as voluntary recycling) seems to meet our needs.

Broken glass on the roads imposes huge costs on the bicyclist. On a national basis for the years 1979, 1980, and 1981,

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an average of 28 million bicycle tires and 39 million bicycle tubes were replaced, at an annual cost of about \$370 million. Based on a survey of bicycle shops in twelve states, the best estimate is that the damage due to broken glass makes up about 50 percent of all causes for replacement of tires and tubes; in some areas the proportion may be as high as 75 percent. Fifty percent of \$370 million is a national yearly average of \$185 million direct cost to bicyclists because of broken glass on the roads.

Bicyclists suffer a second economic cost: the time lost in repairing these flats. We estimate that nationally at least 60 million flats are caused each year by broken glass. If only 20 minutes are spent repairing each one, that means a total of 20 million hours wasted. At a rate of only five dollars per hour, that comes to \$100 million per year.

But we are uniquely subject to yet another cost, in injury, suffering and possible death, resulting from broken glass on the road. Here is an example of what happened on a ride in Wichita:

On our usual Saturday morning ride...a group from the club was heading north on Webb Road...more or less in single file, four or five feet from the curb and proceeding at approximately 17 or 18 miles per hour. The lead rider called out "glass on the road" and swerved to the left, the next rider swerved left, the third rider touched the wheel of the second rider and crashed on his right shoulder, breaking his collar bone. I

was the fourth rider, and in my effort to avoid the downed rider, I stopped too quickly and went over head first, scratching my helmet and taking considerable skin off my shoulder, arm, and knee, and severely bruising one hand. The rest of the riders were able to avoid the mess.

My personal experiences having bicycled in Iowa and Oregon which have similar laws in effect support the above statements. The glass (and metal) litter just is not there. From my personal viewpoint I will mention my son who now lives in New York who now saves and refunds all his beverage containers. This same son, when living at home in Kansas, would never have purchased refundable beverage containers.

In summation, I feel the enactment of HB 2863 will have a positive benefit for all residents of Kansas, and will be especially beneficial to Kansas bicyclists in that it will make the roads safer and reduce the cost in time and money of replacing tires and tubes.

I am speaking in support of House Bill No. 2863 and am doing so as a private citizen. As far as I know I am not a member of any organization that supports or opposes this legislation.

I am a bicyclist, and it is from this perspective that I speak. You can see many things from the seat of a bicycle that you miss as you travel down the highway at 55 miles per hour. During the past two years I have ridden a bicycle from Colorado to Missouri across the state of Kansas. In making this journey I have developed an appreciation for the unique beauty and diversity of our state. It is an exciting experience--marred only by the trash which is strung along our highways. The problem is, of course, less severe in the west and increases as one moves into the more densely populated east.

While the litter along the highways of Kansas is not composed entirely of beverage containers, it doesn't take a long ride in our rural areas to notice that this source of litter pollution--along with cigarette butts--dominates your visual impression of the right of way.

I believe that legislation--such as that outlined in House Bill No. 2863--would do much to clean up our highways and add to the scenic enjoyment of Kansas.

On a short bicycle ride last year from Osage City to Burlingame and back, I could have collected at least \$97 in bottle refunds if each beverage container had been worth ten cents--that's almost one thousand cans and bottles in only 16 miles! This legislation might not keep all of the beverage cans and bottles from ending up in the ditch, but at ten cents each they won't stay there very long. In all of my riding, I have seen less than five returnable soft drink bottles along the road.

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I should also say that the passage of this bill would also be of economic and time benefit to me. On occasions too numerous to count, I have repaired bicycle tires which have gone flat due to small bits of glass. I can't guarantee that all of this glass came from beverage containers, but I have pulled enough brown glass out of mine and my children's bicycle tires to know that beer bottles are an economic and safety menace to bikers.

Last year I had the opportunity to visit Czechoslovakia. I appreciated being able to enjoy a cold Coca-Cola (in a returnable bottle) in that Communist country, but I enjoyed as much not seeing cans and bottles in the streets. A litter-free environment is a real treat.

This bill, or any other, will not get all of the cigarette butts and other litter out of sight, but it along with better enforcement of existing litter laws, will make Kansas a more enjoyable place to live and visit.

Dave Pomeroy
1169 Webster
Topeka, Kansas 66604

February 28, 1984