

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS

The meeting was called to order by REPRESENTATIVE ROBERT H. MILLER at  
Chairperson

1:30 a.m./p.m. on February 11, 1986 in room 526S of the Capitol.

All members were present except:

Rep. Peterson-E

Committee staff present:

Lynda Hutfles, Secretary  
Russ Mills, Research

Conferees appearing before the committee:

Barbara Sabol, Health & Environment  
Terry Harmon, Kansas State Historical Society  
Marjorie VanBuren, Office of Judicial Administration  
Robert Littrell, Kansas Council on Geneological Societies  
Peter Rinn, Social Rehabilitation Services  
Wayne Morris, Security Benefit Life  
Dr. Loren Phillips, Health & Environment  
Representative Rick Bowden  
Representative Nancy Brown  
Colonel Maylon Weed  
Chris Wilson, Kansas State Fertilizer and Chemical Association  
James Todd, Kansas State Firefighters  
Marsha Marshall, Kansas Natural Resource Council  
Jerry Marlatt, Kansas State Council of Firefighters  
Sharad Bhatia, Health & Environment  
Rob Hodges, Kansas Chamber of Commerce & Industry  
Ross Martin, Kansas Petroleum Council  
Paul Mages, Kansas Termite & Pest Control Association  
Dale Lambley, Kansas State Board of Agriculture  
Bill Fuller, Kansas Farm Bureau  
Terry Shistar, KansasSierra Club  
Ron Gaches, Boeing Military Aircraft  
Don Schnacke, KIOGA

The meeting was called to order by Chairman Miller.

Representative Eckert made a motion, seconded by Representative Roenbaugh, to approve the minutes of the February 10 meeting. The motion carried.

HB2777 - records pertaining to vital statistics

Barbara Sabol, Secretary of Health & Environment, gave testimony on HB2777 which authorizes the accessing and/or copying of vital statistics files and records at the state and local level for genealogical or historical purposes. Secretary Sabol listed several suggestions for the bill in her testimony. See attachment A. She introduced Dr. Loren Phillips who is to be the new State Registrar.

Terry Harmon, Kansas State Historical Society, gave testimony in support of an amended version (which was distributed) of the bill. Greater access by researchers to information in vital statistics records is needed and can be provided in various ways while still protecting privacy rights and the integrity of the vital statistics registration system. See attachment B.

Marjorie VanBuren, Office of Judicial Administration, gave testimony recommending that consideration be given to the publicity that there could be from confusion regarding court records. She suggested an amendment which would indicate that court records are not subject to this bill. See attachment C.

CONTINUATION SHEET

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Robert Littrell, Kansas Council on Geneological Societies, agreed with Mr. Harmon's testimony and with his suggestions. There is no distinction for records that were compiled before 1911 and there is a narrow interpretation of property rights.

Peter Rinn, Social Rehabilitation Services, gave testimony asking that SRS be exempted from the bill. He said he could see problems putting SRS in the vital statistics area.

Wayne Morris, Security Benefit Life, gave testimony in opposition to the new language on lines 82-84. This could restrict current reasonable access to vital statistics. Insurance companies may obtain copies of certain records; however, this bill could drastically alter this access and prevent insurance companies from obtaining the records necessary to process many life and health insurance claims. *See Attachment D*

Hearings were concluded on HB2777.

HB2832 - Change in names on birth certificates

Dr. Loren Phillips, Health & Environment, gave testimony in support of the bill which allows the Office of Vital Statistics to record parantage and/or change a child's surname if the original birth certificate was recorded at a time when the mother was not married, but the parents had subsequently become lawfully intermarried. See attachment E.

Marjorie Van Buren, Office of Judicial Administration, gave testimony in support of the bill. See attachment F.

Hearings were concluded on HB2832.

HB2805 - Community Right-to-Know

Representative Rick Bowden gave testimony in support of the bill, explained the bill and why it has been introduced. We have a responsibility to the citizens of Kansas today and the citizens of our state yet unborn to provide them with a Kansas that is environmentally safe and promote a healthy citizenry. See attachment G.

Representative Nancy Brown gave testimony in support of the bill. She stated that there are over 70,000 chemical products on the market, with approximately 1,000 new chemicals entering commercial use each year. There is a growing concern over safety, health & environment consequences inherent in today's technological society and an increasing desire for public disclosure. See attachment H.

Colonel Maylon Weed, Adjutant General's Office, gave testimony in support of the bill. This bill will aid in their efforts in planning, response, and recovery as it pertains to hazardous material problems that threaten public safety, health & welfare. He suggested an amendment in Sec. 6, line 0137 which would add after the words "fire chief" the phrase ... "and/or the Adjutant General or his representative". See attachment I.

There was discussion of Sec. 3 and the gallonage and composition of chemicals, fuels, etc.

It was suggested that the Trade Secret Act be looked into to see if this area was going to fit in the bill.

Chris Wilson, Kansas State Fertilizer and Chemical Association, gave testimony in support of the right-to-know legislation. He suggested that Sec. 3a which defines chemical manufacturer or user is so broad that many individual farmers who have a 55 gallon drum or 500# of chemical on his farm would be subject to the provisions of this bill. See attachment J.

James Todd, Kansas State Firefighters, gave testimony in support of the bill and indicated a lot of good points had been brought in testimony.

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Marsha Marshall, Kansas Natural Resource Council, gave testimony in support of the bill. The bill provides access to information pertinent to the public and individual health & welfare. The information required by this bill is easily available to chemical manufacturers and users, since existing and pending federal legislation requires companies to report on most or all of the chemicals cited. Testimony included what chemicals are covered, what information is provided and who has access to the information. Suggested amendments were included in the testimony. See attachment J(1)

There was discussion of having the information that is collected in a central location to make it easier for the consumer to find.

Jerry Marlatt, Kansas State Council of Firefighters, gave testimony in support of the concept of the bill. Firefighters feel strongly about their own personal safety and that of the community. He stated they would be glad to work with the committee on any changes that might be necessary.

Sharad Bhatia, Health & Environment, gave testimony in support of the bill. The information required by the community right-to-know act will enable emergency response personnel, both at the state and local levels, to better respond to emergencies should such emergencies arise. It will also enable citizens to be informed about the health and environmental risks that may or may not be present in their immediate surroundings. See attachment K.

Rob Hodges, Kansas Chamber of Commerce & Industry, expressed several concerns they have with the bill, such as in Sec. 3a - what is the period of time; on page 2 of the definitions - What is supplemental information; trade secrets; and the need for having a central location for the information. Also "accidental discharge" is not defined.

Ross Martin, Kansas Petroleum Council, gave testimony expressing their concerns about HB2805. This bill may appear simple, but it is very complex and needs some study. Emergency response teams do need information to protect themselves and communities in the event of an emergency. This information should be collected by government and shared with emergency response personnel and should be accessible through the government and not at the drill site, the farmer's barn or the factory door. See attachment L.

Paul Mages, Kansas Termite & Pest Control Association, gave testimony in opposition to the bill because it places a reporting burden on pest control operators throughout the state. See attachment M.

Dale Lambley, Kansas State Board of Agriculture, explained to the committee how this bill will effect industries involved in the distribution and use of pesticides. See attachment N.

Bill Fuller, Kansas Farm Bureau, gave testimony in support of meaningful and fair environmental and safety standards, but feel this bill could result in harassment to farmers and ranchers. They ask that the committee guard against imposing excessive regulations on farm users that could be time consuming and costly to implement and would like to see farmers exempted from this bill. See attachment O.

Terry Shistar, Kansas Sierra Club, gave testimony in opposition to the bill. See attachment P.

Ron Gaches, Boeing Military Aircraft, gave testimony expressing concerns in Sec. 8. There is no indication of what constitutes a violation. He stated he would like to work with the committee in getting this legislation to work.

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Don Schnacke, KIOGA, gave testimony in opposition to HB2805 which is vague and misunderstood and asked that the committee proceed very carefully in considering its merits. See attachment Q.

Chairman Miller appointed a subcommittee to study further suggestions on HB2805. He appointed Representative Walker as Chairman and Representatives Barr and Grotewiel as members. Interested persons should contact the committee secretary.

Hearings were concluded on HB2805

The meeting was adjourned.

Revised 2/11/86

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

TESTIMONY ON H.B. 2777

PRESENTED TO: House Federal and State Affairs, 1986

This is the official position taken by the Kansas Department of Health and Environment on H.B. 2777.

BACKGROUND INFORMATION:

H.B. 2777 would amend two sections of the Vital Statistics Act, K.S.A. 65-2401 and K.S.A. 65-2422, in order to authorize the accessing and/or copying of vital statistics files and records at the state and local level for genealogical or historical purposes. Passage of this bill would have a significant impact on Vital Statistics as it would make vital records open to anyone claiming to be a genealogist as long as information with regard to cause of death and out-of-wedlock births is not revealed.

STRENGTHS:

H.B. 2777 does require notarized oaths of those preparing indexes or abstracts to which public access is restricted by subsection 2(b).

WEAKNESSES:

It is our understanding that the main interest was the accessing of pre-1911 records; however, H.B. 2777 does not address any particular "era" of records, but pertains to all vital records.

According to the Attorney General's opinion all pre-1948 records would be closed unless some corrective measures were taken to eliminate the marital status information.

The definition of "public agency" is far too broad to provide any reasonable means to monitor such a system. H.B. 2777 authorizes "public agencies" to prepare, publish, and sell indexes and abstracts of vital records with the condition that two data items be excluded and it apparently authorizes "public agencies" to do just about anything with regard to disclosure of information that the state registrar and the secretary are presently authorized to do.

Authorizing "public agencies" the full range of copying and dispensing of vital statistics set forth by the proposed H.B. 2777 of the Vital Statistics Act would inevitably result in the loss of control of quality and

ATTACHMENT A

H. FISA

2/11/86

completeness of records before copies thereof are issued, and would slow down the entire birth and death registration process. Also the state registrar is authorized to make minor changes or major court ordered changes to records. "Public agencies" would have no knowledge of these changes and, therefore, many records certified by them would not be consistent with the facts on the centrally filed records.

The bill reads "any" records and files (Sec. 2(a)) which pertain to vital statistics which perhaps could even include records that aren't available or under the control of the Department; such as, adoption records at the court level.

Section 2 suggested revision in line 71-75 would allow any "public agency" to certify copies of vital records which appears to be contrary to (g) which states "No person shall prepare or issue any certificate which purports to be an original, certified copy...except the state registrar."

It is unclear as to the intent in deleting the words "of a certificate or part thereof" in line 27, Sec. 2(c).

H.B. 2777 gives the secretary ultimate decision making power over decisions made by the "public agencies" with regard to access of records. Such a provision is unmanageable. No administrator would want that broad a responsibility over which there would be so little supervision and control.

Provides provision for vital statistics records data to be used for research purposes if such is to be used for genealogical or historical research. Again this is far too broad and unmanageable. Most any research could be labeled historical for purposes of obtaining wanted or needed information.

The report on deaths presently being reported to the election officials in each county would become an open record and available to anyone upon request. It is unlikely that the election office officials would appreciate this new-found interest in their office and their records.

Section 2(i) would allow indexes and abstracts to be prepared by anyone of all information contained on any record with the exception of the parentage information and cause of death information.

Genealogical societies, historical societies, public libraries or other institutions may prepare, publish, distribute and sell copies of such indexes or abstracts. H.B. 2777 provides that no other commercial use shall be made of information contained in such indexes or abstracts. How could such uses be monitored or curtailed with such widespread distribution of the information.

Section 2(b) would forbid the issuance of any certified copies with the cause of death listed until after 30 years following the date of death. This provision would create problems for family members, insurance companies, etc. who need this information to determine personal and property rights.

DEPARTMENT'S POSITION:

Presented by: Barbara J. Sabol, Secretary  
Kansas Department of Health  
and Environment

*Terry Hammon B*

COMMENTS CONCERNING PROPOSED REVISIONS  
OF THE UNIFORM VITAL STATISTICS ACT

Presented to the House Federal and State Affairs Committee  
by Terry Hammon, Assistant State Archivist  
February 11, 1986

For a number of years the Kansas State Historical Society has been consulting with officials of the Department of Health and Environment in an effort to answer many questions and resolve numerous problems related to use of vital statistics records for research purposes. Genealogy has become a very popular pursuit for thousands of Kansans and for countless people in other states whose ancestors have resided in Kansas. Records of births, deaths, marriages, and divorces compiled for vital statistics registration are one of the best available sources of information for persons involved in family history research. Access to such records also is needed by other historians seeking biographical information.

Unfortunately, there long has been much confusion and uncertainty in Kansas about the legality of disclosing various types of vital statistics records to researchers. A complex situation has evolved which is difficult to describe succinctly and precisely.

The basic elements of House Bill No. 2777 were prepared by the staff of the State Historical Society's department of archives and introduced during the 1985 session as Senate Bill No. 319. After concluding that the issues raised by S.B. 319 were too complex for prompt legislative action, the Senate Federal and State Affairs Committee recommended consideration of these matters by an interim committee and prepared a substitute bill which would merely clarify the authority of the Secretary of the Department of Health and Environment to issue administrative regulations controlling access to vital statistics records. This substitute bill was approved by the Senate and assigned to the House Federal and State Affairs Committee, where it was carried over to the 1986 session.

In recent months the State Historical Society has been working with personnel of the Department of Health and Environment in an effort to formulate amendments to the Substitute for S.B. 319 which would deal with the most pressing concerns of the Historical Society and which would be acceptable to the Department of Health and Environment. A balloon version of the Substitute for S.B. 319 containing amendments proposed by the Historical Society has been distributed to members of the committee. If adopted, these amendments would grant public access to all vital statistics records created before July 1, 1911, and would state that the Department of Health and Environment has no responsibility or authority with regard to such pre-1911 records. We realize that the scope of this hearing does not include the Substitute for S.B. 319, but we want to point out its existence as a possible alternative to H.B. 2777.

Introduction of a revised version of S.B. 319 as H.B. 2777 by House Speaker Mike Hayden, reportedly at the request of the Decatur County Genealogical Society, was a complete surprise to the State Historical Society, and we are uncertain how to respond to it. We still believe that its provisions are reasonable and are needed, but as a result of our experiences in Senate proceedings during the last legislative session, we suspect that amending the Substitute for S.B. 319 in ways which are acceptable to the Department of

ATTACHMENT B

*H. FLSA  
2/11/86*



Health and Environment may be the only way to achieve adoption of legislative remedies for any of the problems addressed by these bills.

As we understand House Bill No. 2777, it would have the following significant consequences:

1. Seventy years after their creation, the Department of Health and Environment would be required to allow direct public access to all vital statistics records (or microfilm copies of them) held by the state registrar. This would enable genealogists to seek information about their families without first knowing the names and approximate birth or death dates of any ancestors who are listed in the records. Such direct access to the records often is essential for efficient genealogical research, but it currently is prohibited by K.S.A. 65-2422.
2. Prior to the passage of seventy years, persons involved in genealogical or historical research could continue having indirect access to vital statistics records held by the state registrar. By providing the names and approximate birth or death dates of their ancestors, they could obtain copies of birth or death certificates for particular individuals, but genealogists could not conduct their own searches for information in the records. The state registrar long has provided such indirect access to persons involved in family history research and is continuing to do so. Attorney General Opinion No. 84-101, however, raises questions about whether this practice is allowed by subsections (c) and (d) of K.S.A. 65-2422. H.B. 2777 would remove all doubt about the matter.
3. Local registrars would be required under this bill to follow the same policies as the state registrar with regard to public disclosure of vital statistics information. They would grant direct access to the records after seventy years and indirect access before that amount of time had passed. Current statutes and administrative regulations prohibit any disclosure of birth and death information by local registrars. They must refer all persons requesting such data to the state registrar's office in Topeka.
4. County clerks and other local officials who are not local registrars would be allowed by this bill to grant direct public access to most of the vital statistics records in their custody. Virtually all of these records were created under an 1885 law before the present vital statistics registration system was established in mid-1911. In the past many custodians of these records have granted direct public access to them, some have provided only indirect disclosure, while others have refused to release any birth and death information. Attorney General Opinion No. 84-101 said that these pre-1911 records are subject to the restrictions of K.S.A. 65-2422 and thus closed many records which had been available to the public for many years.
5. The State Historical Society would be allowed by H.B. 2777 to grant direct public access to its microfilm holdings of birth and death records, all of which were created before mid-1911 and thus would be more than seventy years old. We currently are following the example of the state registrar in providing indirect access to such microfilm. This, unfortunately, requires more staff time than we can afford for assistance to genealogists; and we therefore would much prefer to grant direct access to our microfilm copies of the records.

6. The State Historical Society would be authorized by this bill to include vital statistics records which are more than seventy years old in a major microfilming project currently being carried out in cooperation with the Genealogical Society of Utah. This would create security copies of all the records and would enable acquisition of hundreds of rolls of free microfilm for use by genealogists at the Historical Society's research center in Topeka.
7. Genealogical organizations would be allowed by this bill to prepare and publish indexes and abstracts of any vital statistics records held by a public agency in Kansas, including the state registrar and local registrars. Such projects have been undertaken in various localities in the past, but they have been confined largely to records created before mid-1911, and they cannot legally be carried out in the future unless revisions are made in K.S.A. 65-2422 to allow them.
8. Custodians of tax-supported cemetery records would be required by H.B. 2777 to grant direct access to burial records more than seventy years old and indirect access before passage of seven decades. The State Historical Society recommends adoption of amendments to lines 27, 55-56, and 120-121 of the bill in order to eliminate cemetery records from its provisions and from the restrictions imposed by K.S.A. 65-2422. We believe that records of tax-supported cemeteries then would be subject to the Open Records Act. A balloon version of the bill containing these suggested revisions has been distributed to the committee. As it now stands, H.B. 2777 would require granting only indirect access to many cemetery records which have been subject to direct public disclosure in the past. Discussions with genealogists, moreover, have convinced us that obtaining access to cemetery records has not been a major problem for them.
9. Disclosure of information regarding causes of death would be prohibited for thirty years by H.B. 2777. The State Historical Society recommends deleting the sentence on lines 82-84 dealing with this matter. Many genealogists and other persons are seeking information about their ancestors' causes of death because such data can be valuable in preventive medicine. People certainly should not have to wait thirty years to learn information which could affect their own personal health.

The State Historical Society hopes that the House Federal and State Affairs Committee will approve an amended version of either H.B. 2777 or the Substitute for S.B. 319. We believe that greater access by researchers to information in vital statistics records is needed and that it can be provided in various ways, while still protecting privacy rights and the integrity of the vital statistics registration system.

# Substitute for SENATE BILL No. 319

By Committee on Federal and State Affairs

0017 AN ACT concerning the uniform vital statistics act; disclosure of  
 0018 certain records; rules and regulations of the secretary of health ~~65-2401~~  
 0019 and environment; amending K.S.A. ~~65-2402, 65-2406, 65-2407~~  
 0020 and 65-2422 and repealing the existing sections.

0021 *Be it enacted by the Legislature of the State of Kansas:*  
 0022 ~~Section 1. K.S.A. 65-2402 is hereby amended to read as fol-~~  
 0023 ~~lows: 65-2402. The secretary shall:~~ New Sec. 2.  
 0024 ~~(1) (a) Establish within the division of health suitable offices~~  
 0025 ~~properly equipped for the preservation of official records.~~  
 0026 ~~(2) (b) Maintain a complete cross-index on all records filed~~  
 0027 ~~under the provisions of this act.~~  
 0028 ~~(3) (c) Install a statewide system of vital statistics.~~  
 0029 ~~(4) Make and may amend, after notice and hearing, necessary~~  
 0030 ~~(d) Adopt rules and regulations, for filing, maintaining and~~  
 0031 ~~disclosing vital statistics and give instructions and prescribe~~  
 0032 ~~forms for collection, transcribing, compiling and preserving vital~~  
 0033 ~~statistics.~~  
 0034 ~~(5) (e) Enforce this act and the rules and regulations made~~  
 0035 ~~adopted pursuant thereto.~~ New Sec. 3.  
 0036 ~~Sec. 2. K.S.A. 65-2406 is hereby amended to read as follows:~~  
 0037 ~~65-2406. The state registrar, under the supervision of the secre-~~  
 0038 ~~tary, shall have charge of the collection of vital statistics and be~~  
 0039 ~~the custodian of all files and records, and perform the duties~~  
 0040 ~~prescribed by the secretary. He The state registrar shall enforce~~  
 0041 ~~this act and the rules and regulations of the secretary and have~~  
 0042 ~~supervisory power over local registrars and any other person~~ public official  
 0043 ~~having custody or control of any vital statistics records, except~~  
 0044 ~~those of one's own family. He The state registrar shall submit to~~  
 0045 ~~the secretary an annual report of the administration of this act.~~

New Section 1. K.S.A. 65-2401 is hereby amended to read as follows: 65-2401.  
As used in this act:

(1) "Vital statistics" includes the registration, preparation, trans-  
cription, collection, compilation, and preservation of data pertaining to birth,  
adoption, legitimation, death, stillbirth, marriage, divorce, annulment of  
marriage, and data incidental thereto performed or supervised by the depart-  
ment of health and environment or its predecessor agencies since July 1, 1911.

(2) "Live birth" means the complete expulsion or extraction from its  
mother of a product of human conception, irrespective of the duration of preg-  
nancy, which, after such expulsion or extraction, breathes or shows any other  
evidence of life such as beating of the heart, pulsation of the umbilical  
cord, or definite movement of voluntary muscles, whether or not the umbilical  
cord has been cut or the placenta is attached.

(3) "Stillbirth" means any complete expulsion or extraction from its  
mother of a product of human conception the weight of which is in excess of  
350 grams, irrespective of the duration of pregnancy, which is not a live  
birth as defined in this act.

(4) "Dead body" means a lifeless human body or such parts of a human  
body or the bones thereof from the state of which it reasonably may be con-  
cluded that death recently occurred.

(5) "Person in charge of interment" means any person who places or  
causes to be placed a stillborn child or dead body or the ashes, after crem-  
ation, in a grave, vault, urn or other receptacle, or otherwise disposes  
thereof.

(6) "Secretary" means the secretary of health and environment.

0046 ~~Local registrars or any other person having custody or control~~ public official  
 0047 ~~of any vital statistics records (except those of one's own family)~~  
 0048 ~~may permit inspection of vital statistics records only in accord-~~  
 0049 ~~ance with rules and regulations of the secretary.~~

0050 ~~Sec. 3. K.S.A. 65-2407~~ is hereby amended to read as follows: New Sec. 4  
 0051 65-2407. Local registrars of vital statistics shall be appointed by  
 0052 the state registrar of vital statistics. The city clerk of an incor-  
 0053 porated city within each registration district shall ordinarily be  
 0054 designated by the state registrar of vital statistics as the local  
 0055 registrar of vital statistics for such district, but the state registrar  
 0056 of vital statistics may ~~at his discretion~~ appoint some other com-  
 0057 petent person as local registrar. *The state registrar may remove a*  
 0058 *local registrar.* The state registrar of vital statistics may also  
 0059 appoint deputy local registrars of vital statistics.

0060 ~~Sec. 4. K.S.A. 65-2422~~ is hereby amended to read as follows: New Sec. 5.  
 0061 65-2422. (a) The records and files of the division of health  
 0062 pertaining to vital statistics shall be open to inspection, subject to  
 0063 the provisions of this act and regulations of the secretary; but it  
 0064 shall be unlawful for any officer or employee of the state to  
 0065 disclose data contained in vital statistical records, except as  
 0066 authorized by this act and the secretary and it shall be unlawful  
 0067 for anyone who possesses, stores or in any way handles vital  
 0068 statistics records under contract with the state to disclose any  
 0069 data contained in such records, except as authorized by law.  
 0070 (b) No disclosure of illegitimacy of birth or of information  
 0071 from which illegitimacy can be ascertained shall be made, except  
 0072 upon order of a court in a case where such information is  
 0073 necessary for the determination of personal or property rights  
 0074 and then only for such purpose, but the state registrar shall open  
 0075 the records of any person whose birth has been listed as illegiti-  
 0076 mate who has attained legal age and demands the opening.  
 0077 (c) The state registrar shall not permit inspection of the  
 0078 records or issue a certified copy of a certificate or part thereof  
 0079 unless ~~he is~~ satisfied that the applicant ~~therefor~~ has a direct  
 0080 interest in the matter recorded and that the information ~~therein~~  
 0081 ~~contained inspected or for which a certified copy is issued~~ is  
 0082 necessary for the determination of personal or property rights.

Must be revised in accordance with Sec. 28  
 of Chap. 114 of the 1985 Session Laws of  
Kansas.

0083 ~~His~~ The secretary shall adopt rules and regulations concerning  
 0084 the interpretation and administration of this section, and such  
 0085 rules and regulations shall specify when state held or locally  
 0086 held vital statistics records may be disclosed, the manner of  
 0087 disclosure and to whom disclosure may be made. The state  
 0088 registrar's decision in any particular case shall be subject,  
 0089 ~~however,~~ to review by the secretary or a court under the limita-  
 0090 tions of this section.

0091 (d) The secretary shall permit the use of data contained in  
 0092 vital statistical records for research purposes only, but no iden-  
 0093 tifying use thereof shall be made.

0094 (e) Subject to the provisions of this section the secretary may  
 0095 direct local registrars to make a return upon the filing of birth,  
 0096 death and stillbirth certificates with them of certain data shown  
 0097 thereon to federal, state or municipal agencies. Payment by such  
 0098 agencies for such services may be made through the state regis-  
 0099 trar to local registrars as the secretary shall direct.

0100 (f) On or before the ~~twentieth~~ 20th day of each month the  
 0101 state registrar shall furnish to the county election officer of each  
 0102 county, without charge, a list of deceased residents of such  
 0103 county who were at least ~~eighteen (18)~~ 18 years of age, for whom  
 0104 death certificates have been filed in the office of the state  
 0105 registrar during the preceding calendar month, which list shall  
 0106 include the name, age or date of birth, address and date of death  
 0107 of each of such deceased persons, and shall be used solely by  
 0108 such election officer for the purpose of correcting records of their  
 0109 offices.

0110 (g) No person shall prepare or issue any certificate which  
 0111 purports to be an original, certified copy, or copy of a certificate  
 0112 of birth, death, or fetal death, except as authorized in this act or  
 0113 regulations adopted hereunder.

0114 ~~Sec. 5. K.S.A. 65-2402, 65-2406, 65-2407 and 65-2422 are~~  
 0115 hereby repealed. New Sec. 6.

0116 ~~Sec. 6. This act shall take effect and be in force from and~~  
 0117 after its publication in the Kansas register. 65-2401,  
New Sec. 7.

[Must be revised in accordance with Sec. 28 of  
 Chap. 114 of the 1985 Session Laws of Kansas.]

(h) The secretary and the state registrar shall have no authority  
 or responsibility with regard to records of births, deaths or marriages  
 created before July 1, 1911, pursuant to Chapter 129 of the Laws of 1885,  
 and all such records shall be open to inspection by any person.

## HOUSE BILL No. 2777

By Representative Hayden

1-29

0017 AN ACT concerning records pertaining to vital statistics; relating  
0018 to disclosure thereof; amending K.S.A. 65-2401 and 65-2422  
0019 and repealing the existing sections.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. K.S.A. 65-2401 is hereby amended to read as fol-  
0022 lows: 65-2401. As used in this act:

0023 ~~(1)~~ (a) "Vital statistics" includes the registration, preparation,  
0024 transcription, collection, compilation, and preservation of data  
0025 pertaining to birth, adoption, legitimation, death, stillbirth, mar-  
0026 riage, divorce, annulment of marriage, and data incidental  
0027 thereto.

0028 ~~(2)~~ (b) "Live birth" means the complete expulsion or extrac-  
0029 tion from its mother of a product of human conception, irrespec-  
0030 tive of the duration of pregnancy, which, after such expulsion or  
0031 extraction, breathes or shows any other evidence of life such as  
0032 beating of the heart, pulsation of the umbilical cord, or definite  
0033 movement of voluntary muscles, whether or not the umbilical  
0034 cord has been cut or the placenta is attached.

0035 ~~(3)~~ (c) "Stillbirth" means any complete expulsion or extrac-  
0036 tion from its mother of a product of human conception the weight  
0037 of which is in excess of 350 grams, irrespective of the duration of  
0038 pregnancy, which is not a live birth as defined in this act.

0039 ~~(4)~~ (d) "Dead body" means a lifeless human body or such  
0040 parts of a human body or the bones thereof from the state of  
0041 which it reasonably may be concluded that death recently oc-  
0042 curred.

0043 ~~(5)~~ (e) "Person in charge of interment" means any person  
0044 who places or causes to be placed a stillborn child or dead body  
0045 or the ashes, after cremation, in a grave, vault, urn or other

performed or supervised by the department of health and  
environment or its predecessor agencies.

0046 receptacle, or otherwise disposes thereof.

0047 ~~(6)~~ (f) "Secretary" means the secretary of health and envi-  
0048 ronment.

0049 (g) (1) "Public agency" means the state or any political or  
0050 taxing subdivision of the state, or any office, officer, agency or  
0051 instrumentality thereof, or any other entity receiving or ex-  
0052 pending and supported in whole or in part by the public funds  
0053 appropriated by the state or by public funds of any political or  
0054 taxing subdivision of the state. Public agency includes any local  
0055 registrar, ~~and any cemetery supported in whole or in part by~~  
0056 ~~public funds.~~

[Omit]

0057 (2) Public agency does not include any entity solely by rea-  
0058 son of payment from public funds for property, goods or ser-  
0059 vices of such entity.

0060 Sec. 2. K.S.A. 65-2422 is hereby amended to read as follows:

0061 65-2422. (a) ~~The~~ Any records and files of the ~~division of health~~  
0062 ~~pertaining~~ which pertain to vital statistics and which are in the  
0063 possession of a public agency shall be open to inspection, sub-  
0064 ject to the provisions of this act and rules and regulations of the  
0065 secretary. It shall be unlawful for any officer or employee of the  
0066 ~~state~~ a public agency to disclose data contained in vital ~~statistical~~  
0067 statistics records, except as authorized by this act and the secre-  
0068 tary, and it shall be unlawful for anyone who possesses, stores or  
0069 in any way handles vital statistics records under contract with the  
0070 state to disclose any data contained in the records, except as  
0071 authorized by law. *Certified copies of vital statistics records*  
0072 *shall be provided upon request to any persons authorized by*  
0073 *this act to examine the records, and reasonable fees may be*  
0074 *charged to recover the cost of searching for the requested*  
0075 *records and the cost of making copies.*

0076 (b) *Except as otherwise provided by subsections (h) and (i),*  
0077 *no information concerning the birth of a child shall be disclosed*  
0078 *in a manner that enables determination of whether the child's*  
0079 *parents were married at the time of the child's birth, except upon*  
0080 *order of a court in a case where the information is necessary for*  
0081 *the determination of personal or property rights and then only for*  
0082 *that purpose. ~~No disclosure of information regarding causes of~~*

[Omit]

0083 ~~death shall be made for 30 years following the death, except~~  
0084 ~~upon order of a court.~~

[Omit]

0085 (c) ~~The state registrar~~ Except as otherwise provided by sub-  
0086 sections (h) and (i), public agencies shall not permit inspection of  
0087 the records or issue a certified copy of a certificate or part thereof  
0088 unless ~~the state registrar is~~ satisfied that the applicant therefor  
0089 has a direct interest in the matter recorded and that the informa-  
0090 tion contained in the record is necessary for the determination of  
0091 personal or property rights. The ~~state registrar's~~ decision of the  
0092 public agency shall be subject, however, to review by the secre-  
0093 tary or a court under the limitations of this section.

0094 (d) ~~The secretary~~ Public agencies shall permit the use of data  
0095 contained in vital ~~statistical~~ statistics records for research pur-  
0096 poses only, but no identifying use of them shall be made except  
0097 in genealogical or historical research.

0098 (e) Subject to the provisions of this section the secretary may  
0099 direct local registrars to make a return upon the filing of birth,  
0100 death and stillbirth certificates with them of certain data shown  
0101 thereon to federal, state or municipal agencies. Payment by those  
0102 agencies for the services may be made through the state registrar  
0103 to local registrars as the secretary directs.

0104 (f) On or before the 20th day of each month, the state registrar  
0105 shall furnish to the county election officer of each county, with-  
0106 out charge, a list of deceased residents of the county who were at  
0107 least 18 years of age and for whom death certificates have been  
0108 filed in the office of the state registrar during the preceding  
0109 calendar month. The list shall include the name, age or date of  
0110 birth, address and date of death of each of the deceased persons  
0111 and shall be used solely by the election officer for the purpose of  
0112 correcting records of their offices.

0113 (g) No person shall prepare or issue any certificate which  
0114 purports to be an original, certified copy or copy of a certificate of  
0115 birth, death or fetal death, except the state registrar as autho-  
0116 rized in this act or regulations adopted under this act.

0117 (h) All records related to births, deaths, marriages, divorces  
0118 and infectious diseases prepared for registration supervised by  
0119 the department of health and environment or its predecessor



0120 agencies, and all records of any cemetery supported in whole or  
0121 in part by public funds, shall be open to inspection by any  
0122 person after 70 years from the dates of the events recorded.  
0123 Inspection of microphotographic copies of such records, rather  
0124 than the original documents, may be required. Information  
0125 from, or copies of, any birth or death records related to specific  
0126 individuals whose names and approximate dates of birth or  
0127 death are provided by persons requesting such information or  
0128 copies shall be made available to any person involved in gen-  
0129 ealogical or historical research, provided that no information to  
0130 which public access is restricted by subsection (b) is disclosed.  
0131 (i) Indexes or abstracts of any vital statistics records in the  
0132 possession of public agencies may be prepared by persons des-  
0133 ignated by custodians of the records after such persons sign  
0134 notarized oaths pledging not to reveal any information to which  
0135 public access is restricted by subsection (b). Violation of such an  
0136 oath is a class C misdemeanor. Information to which public  
0137 access is restricted by subsection (b) shall be omitted from such  
0138 indexes or abstracts. Any other information contained in birth  
0139 and death records may be included in the indexes or abstracts.  
0140 Genealogical societies, historical societies, public libraries or  
0141 other nonprofit organizations or institutions may prepare, pub-  
0142 lish, distribute and sell copies of such indexes or abstracts. No  
0143 other commercial use shall be made of information contained in  
0144 such indexes or abstracts. Microphotographic copies of vital  
0145 statistics records in the possession of public agencies may be  
0146 made by genealogical societies, historical societies or other  
0147 nonprofit organizations or institutions after 70 years from the  
0148 dates of the events recorded.  
0149 Sec. 3. K.S.A. 65-2401 and 65-2422 are hereby repealed.  
0150 Sec. 4. This act shall take effect and be in force from and  
0151 after its publication in the statute book.

[Omit]

046 ptacle, or otherwise disposes thereof.  
047 (f) "Secretary" means the secretary of health and envi-  
048 ronment.

049 (g) (1) "Public agency" means the state or any political or  
050 taxing subdivision of the state, or any office, officer, agency or  
051 instrumentality thereof, or any other entity receiving or ex-  
052 pending and supported in whole or in part by the public funds  
053 appropriated by the state or by public funds of any political or  
054 taxing subdivision of the state. Public agency includes any local  
055 registrar and any cemetery supported in whole or in part by  
056 public funds.

057 (2) Public agency does not include any entity solely by rea-  
058 son of payment from public funds for property, goods or ser-  
059 vices of such entity.

(3) Judicial branch records from which statistical reports are compiled are not subject to this act.

060 Sec. 2. K.S.A. 65-2422 is hereby amended to read as follows:

061 65-2422. (a) ~~The~~ Any records and files ~~of the division of health~~  
062 ~~pertaining which~~ pertain to vital statistics and which are in the  
063 possession of a public agency shall be open to inspection, sub-  
064 ject to the provisions of this act and rules and regulations of the  
065 secretary. It shall be unlawful for any officer or employee of ~~the~~  
066 ~~state~~ a public agency to disclose data contained in vital ~~statistical~~  
067 statistics records, except as authorized by this act and the secre-  
068 tary, and it shall be unlawful for anyone who possesses, stores or  
069 in any way handles vital statistics records under contract with the  
070 state to disclose any data contained in the records, except as  
071 authorized by law. Certified copies of vital statistics records  
072 shall be provided upon request to any persons authorized by  
073 this act to examine the records, and reasonable fees may be  
074 charged to recover the cost of searching for the requested  
075 records and the cost of making copies.

076 (b) Except as otherwise provided by subsections (h) and (i),  
077 no information concerning the birth of a child shall be disclosed  
078 in a manner that enables determination of whether the child's  
079 parents were married at the time of the child's birth, except upon  
080 order of a court in a case where the information is necessary for  
081 the determination of personal or property rights and then only for  
082 that purpose. No disclosure of information regarding causes of

H. FLSA  
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P



# Security Benefit Life Insurance Company

A Member of The Security Benefit Group of Companies

February 11, 1986

TO: The Honorable Robert H. Miller, Chairman,  
and Honorable Members, House Committee on Federal & State Affairs

FROM: Wayne Morris, Assistant Counsel

RE: House Bill 2777 -- Records Pertaining to Vital Statistics

I am Wayne Morris, Assistant Counsel for Security Benefit Life, and I am authorized to speak today on behalf of the American Council of Life Insurance.

We understand that the intent of H.B. 2777 is to increase the access to vital statistics for purposes of genealogical or historic research. We, of course, have no position on that aspect of the bill.

We are concerned, however, that the new language added to KSA 65-2422, on lines 82 through 84, could restrict current reasonable access to vital statistics. Insurance companies may obtain copies of certain records, under subsection (c) of KSA 65-2422. The new language added to subsection (b), however, could drastically alter this access and prevent insurance companies from obtaining the records necessary to process many life and health insurance claims.

I have visited with the Speaker's Office regarding this amendment. I understand that they did not intend to alter current law in this area.

I would, therefore, respectfully request that the new language on lines 82 through 84 be stricken from the bill so that its intent may be carried out.

I will be happy to attempt to answer any questions you may have. Thank you for the opportunity to present this request.

vf

ATTACHMENT D

F. + SA  
2/11/86

Revised 2/11/86

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

TESTIMONY ON H.B. 2832

PRESENTED TO: House Federal and State Affairs, 1986

This is the official position taken by the Kansas Department of Health and Environment on H.B. 2832.

BACKGROUND INFORMATION:

The Parentage Act (H.B. 2012) which was passed during the 1985 legislative session eliminated reference to illegitimate births and in so doing repealed K.S.A. 65-2424 and K.S.A. 23-125, 126 and 127 which had allowed the Office of Vital Statistics to record parentage and/or change a child's surname if the original birth certificate was recorded at a time when the mother was not married but the parents had subsequently become lawfully intermarried.

Since K.S.A. 65-2424 and K.S.A. 23-125, 126 and 127 were repealed there are no simple provisions for recording parentage and changing the child's surname. When a live birth record is filed with the items pertaining to the father left blank, K.A.R. 28-17-19 provides that such items may be completed upon receipt of a notarized acknowledgement of paternity executed by both the mother and the father or a court determination of paternity. If the child's surname is to be changed, it must be by either a change of name court order or an adoption. This required action normally costs the parents filing fees and various other attorney and court fees plus an amending fee paid to the Office of Vital Statistics.

STRENGTHS:

H.B. 2832 resolves the issues mentioned above and in fact allows more flexibility and relieves the burden of responsibility in many cases for name change and parentage decisions to the courts who are in a better position to secure appropriate evidence and documentation and make case by case decisions.

Another advantage of this bill is that it does not require intermarriage in order to change information with regard to parentage, surname, etc.

This bill would make name changes, parentage declarations, etc. much simpler for the individuals involved as well as for the Office of Vital Statistics.

This bill would supplement existing amending and correcting provisions allowed by statutes, rules and regulations in K.S.A. 65-2422c and corresponding regulations K.A.R. 28-17-19 and 28-17-20 as well as K.S.A. 65-2409 which requires the initial registration of the birth certificate.

ATTACHMENT E

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2/11/86

WEAKNESSES:

No observable weaknesses.

DEPARTMENT'S POSITION:

Recommend support of H.B. 2832.

Presented by: Dr. Lorne A. Phillips  
Director, Bureau of  
Community Health  
KDHE



State of Kansas

## Office of Judicial Administration

Kansas Judicial Center  
301 West 10th  
Topeka, Kansas 66612

(913) 296-2256

House Federal and State Affairs Committee  
February 11, 1986

Testimony on  
HB 2832

By

Marjorie J. Van Buren  
Executive Assistant to the  
Judicial Administrator

### VOLUNTARY DETERMINATION OF PARENTAGE

In ending the legal status of illegitimacy, last year's parentage act repealed provisions which allowed the paternity of a child to be assumed voluntarily without necessity of a hearing.

The proposed procedure in HB 2832 is very like these old provisions, except that it does not refer to legitimacy of the child or the marital status of the child's parents. Like the former provisions, it allows establishment of parentage and change of the child's surname quickly, quietly, and without charge.

ATTACHMENT F

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Thank you, Mr. Chairman and members of the Committee. I hope you will not object if I do not provide you with copies of my statement or comments today; I think you will agree that we all have more than enough paper now. I, personally have filled up my file cabinet with testimony.

HB 2805 is one of those bills which contains an idea or concept most people agree to in principle, i.e. the State has a clear obligation to take steps to protect the environment and the health of its citizens. However, there is a lot of disagreement among those interested in this concept as to the best method we should follow in accomplishing this objective. This Bill was designed not as the final structure to reach that objective but rather as an outline or blueprint for our State to follow. I believe this Bill will be added to, deletions and alterations made so that it will become a workable law; a law that industry, government and our citizens will find security therein.

At the present time many states are struggling with what they should do in the area of protecting citizens and the environment from chemical accidents. The Federal Government has not given any comprehensive regulations aimed at preventing accidental releases from chemical plants for the states to follow, therefore states are drawing up their own plans. Presently, 29 states have adopted some form of right-to-know legislation in an attempt to provide some reasonable way citizens can have the information they need in order to make decisions about where they choose to live. Other states have enacted legislation designed to help their emergency agencies gain the information they need in order to prepare contingency plans on how they would handle a chemical accident within their jurisdiction. It is proper and necessary that Kansas begins the task of helping our emergency protection agencies formulate plans on how they would deal with a serious and dangerous chemical accident. This is the intent of the Bill before you today.

Appearing before you today will be many conferees; some might argue this Bill is too strict; others may point out it is too weak and really does little to protect our environment or our citizenry. Others may feel that in its present form, the Bill has several terms needing clarification. Some may offer amendments but as with all other issues we hear in this Legislative Body while there are differing points of view, concerns and issues raised, I hope one thing does remain clear and visible to this Committee. None of the three major groups (the chemical industry, the people, the government agencies) should be left out of the process of

building a plan in Kansas that clearly and forcefully protects our environment and our citizens. This Bill is designed to get us on that road of preparing for a serious chemical disaster. The Legislature has an obligation to deal with all the important questions and concerns which will be raised. But the issue goes well beyond the flash of the temporary news flurry that surrounds a single chemical accident. One fact should serve as the foundation in preparing a program for keeping Kansas a healthy and safe place in which to live and work, that is, we have an unescapable responsibility to the citizens of Kansas today and the citizens of our State yet unborn to provide them with a Kansas that is environmentally safe and promotes a healthy citizenry.

Testimony from Representative Rick Bowden



STATE OF KANSAS

NANCY BROWN  
REPRESENTATIVE, 27TH DISTRICT  
15429 OVERBROOK LANE  
STANLEY, KANSAS 66224-9744



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
MEMBER: COMMUNICATIONS, COMPUTERS AND  
TECHNOLOGY  
GOVERNMENTAL ORGANIZATION  
TRANSPORTATION

Date: February 11, 1986  
To: The Honorable R. H. Miller, Chairman, and Members of the House  
Federal and State Affairs Committee  
From: Nancy Brown, Representative, 27th District  
Re: HB 2805 - Hazardous Chemical Right To Know Act

Mr. Chairman and members of the Federal and State Affairs Committee, thank you for letting me testify before you today on HB 2805, the Hazardous Chemicals Right to Know Act. I come before you, not only as a concerned legislator, but also as one who is actively involved with hazardous materials issues in several capacities - as a board member of the National Association of Towns and Townships and, more importantly, as a member of the National Hazardous Materials Transportation Advisory Council (NHMTAC) reporting to Secretary Dole.

As Chairman of NHMTAC's Emergency Response Working Group, my committee and I have been actively preparing recommendations to the Federal Government on hazardous materials transportation and, in fact, the entire committee is meeting in Washington, D.C. on February 26 to finalize their recommendations. Federal Right-To-Know legislation is one of our twelve recommendations to Secretary Dole.

Why is HB 2805 needed? There are over 70,000 chemical products on the market today, with approximately 1,000 new chemicals entering commercial use each year. There is a growing concern over safety, health and environmental consequences inherent in today's technological society, and an increasing desire

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for public disclosure. This desire has been given added impetus by the Bhopal, India catastrophe in 1984, and by the continuing news coverage of the rash of hazardous materials accidents in 1985. As of March 1984 at least thirty states had enacted or were considering enactment of "right to know" laws requiring disclosure of workplace hazards to workers and often the community at large. Even municipalities have adopted local ordinances of a similar kind. HB 2805 is a response to the growing concern and is a step in the right direction for protecting the health, safety, and welfare of the citizens of the state of Kansas. I primarily support the concept of the bill for what it will do to provide state and local emergency planners with the information they need to plan for facility-specific emergency response programs and capabilities, and to provide for any special equipment or training that might be needed in an emergency in a specific location.

Individuals, whether the Adjunct General in the State of Kansas or the local volunteer fire chief, who are in positions of response and responsibility, and who become involved in an environmental emergency - a spill or release of a hazardous material - must be prepared to act in the most appropriate fashion. Advance planning is the first step in preparation and is the key to a rapid response that may prevent property damage, save lives, and both public and private funds. While a variety of actions are taken in emergencies, it is the planning that makes the difference between rational action and haphazard reactions.

Planning starts with knowing what the problem is, and the problem cannot be known without an analysis. A hazard analysis, which will occur after the

accumulation of data required by this bill, is the first step in the planning process. It lets those who need to know what to expect in responding to the emergency. It guides them in making initial plans in the type of equipment necessary to responding to emergencies. It provides interfacing, communication and cooperation with industry and aids in a cooperative response process. It saves lives when an emergency occurs.

I do want to let the committee know that I have some concerns with the bill as it currently exists, but am supporting it as a result of a consensus reached with those of us involved with the initial drafting, recognizing that some of my concerns would be handled through the process. Rather than take the committee's time, I know that some concerns will be addressed by others speaking here today. I would like to suggest that prior to any action on the bill the concerned parties get together. In my discussions with many individuals, there appears to be general support for the concept of the legislation, but there are some minor problems, for example certain wording which may need some clarification.

I would be happy to meet with anyone, and also would be happy to answer any questions committee members may have.

STATES WITH SELECTED HAZARDOUS MATERIALS LEGISLATION

	<u>Community Right to Know Laws</u>	<u>Underground Tank Programs</u>	<u>Good Samaritan Laws</u>	<u>Worker Right to Know Laws</u>
ALABAMA				
ALASKA				X
ARIZONA				
ARKANSAS			X	
CALIFORNIA		X		X
COLORADO			X	
CONNECTICUT	X		X	X
DELAWARE	X		X	X
FLORIDA	X	X	X	X
GEORGIA			X	
HAWAII				
IDAHO				
ILLINOIS	X		X	X
INDIANA			X	
IOWA	X		X	X
KANSAS		X	X	
KENTUCKY			X	
LOUISIANA			X	
MAINE	X	X	X	X
MARYLAND	X	X	X	X
MASSACHUSETTS	X		X	X
MICHIGAN		X		X
MINNESOTA			X	X
MISSISSIPPI				
MISSOURI				
MONTANA				
NEBRASKA			X	
NEVADA				
NEW HAMPSHIRE	X		X	X
NEW JERSEY	X		X	X
NEW MEXICO			X	
NEW YORK		X	X	X
NORTH CAROLINA			X	
NORTH DAKOTA			X	
OHIO				
OKLAHOMA			X	
OREGON				X
PENNSYLVANIA	X		X	X
RHODE ISLAND	X	X	X	X
SOUTH CAROLINA				
SOUTH DAKOTA			X	
TENNESSEE			X	
TEXAS			X	
UTAH				
VERMONT				
VIRGINIA			X	
WASHINGTON			X	X
WEST VIRGINIA				X
WISCONSIN				X
WYOMING				

as of January 1985

TESTIMONY ON HOUSE BILL NO. 2805

HAZARDOUS CHEMICAL COMMUNITY RIGHT TO KNOW

The Adjutant General's Department supports House Bill No. 2805, the Hazardous Chemical Community Right to Know Act. We would suggest one slight addition that I will cover in a moment. This bill will aid our efforts in planning, response, and recovery as it pertains to hazardous material problems that threaten public safety, health, and welfare.

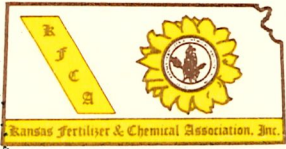
For example, very recently we have been designated the coordinating office for the State-wide effort in supporting the Chemical Preparedness Program being sponsored by the Environmental Protection Agency of the Federal Government. This requires that we obtain information concerning 406 air toxic chemicals that have been identified by EPA. To do this we must query chemical manufacturers to ascertain if they are producing such chemicals. This act if passed will certainly make our work much easier. Once we have the information, plans will be prepared in those counties affected so that preparations are in effect in case of an accident.

I want to mention that through the chief of our Hazardous Materials and Radiological Systems Management Section, Mr. Leon Mannell, we have a close working relationship with the fire community. We work with them constantly in response to hazardous material spills since they are a first responder to such incidents. Mr. Mannell is a member of the Kansas State Firefighters Association and is the coordinating instructor for their hazardous material program.

We have very recently upgraded our notification system with 24 hour manning of our communication center. This will aid in the implementation of Section 7 of this bill which calls for immediate notification of any incident involving accidental discharge of a hazardous chemical.

As mentioned we do suggest an addition or change to the bill. This is on page 4 of the bill, section 6, line 0137. We suggest that after the words fire chief the phrase..."and/ or the Adjutant General or his representative"...be added.

ATTACHMENT I



# KANSAS FERTILIZER AND CHEMICAL ASSOCIATION, INC.

Box 1392

Hutchinson, Kansas 67504-1392

316-662-2598

STATEMENT OF THE  
KANSAS FERTILIZER AND CHEMICAL ASSOCIATION  
TO THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE  
REPRESENTATIVE R. H. MILLER, CHAIRMAN  
REGARDING HOUSE BILL 2805

FEBRUARY 11, 1986

Chairman Miller and Members of the Committee, I am Chris Wilson, Director of Governmental Relations with the Kansas Fertilizer and Chemical Association. KFCA is a voluntary trade, professional and educational association of approximately 400 members. Our association represents the state's agricultural chemical and fertilizer retail dealers, handlers and manufacturers. KFCA supports the intent of community right to know legislation. However, there are some specific changes we would recommend be made in House Bill 2805 as presently written. We also believe some additional qualifications in the bill may be warranted.

Specifically, Section 3(a) defines chemical manufacturer or user so broadly that many individual farmers who have over 55 gallons or 500 pounds of a chemical on his farm would be subject to the provisions of the bill. Thus, he would have to provide the required information to emergency personnel. And, moreover, would have to provide it to any person who requested it during business hours. We believe the intent of the bill is and should be to place the requirements on dealers such as our members and not on individuals such as farmers. That should be unnecessary since dealers would be required to provide

ATTACHMENT J  
H. FJSA  
2/11/86

the information, so emergency personnel would already have it. This is a practice our members would soon follow anyway and definitely should be carried out by all dealers that have these chemicals.

Further clarification is also needed in Section 3(a) regarding whether 55 gallons refers to diluted or undiluted chemicals. For instance, a dealer may have 20 gallons of a particular chemical, then dilute it to spray it and have 150 gallons of that chemical.

Under Section 3(e)(2) the information listed here should not be necessary and will not be available from the dealer. The information contained on the material safety and data sheet and the FIFRA label will provide community emergency personnel with all needed details about safety and emergency procedures. The MSBS is, among other data, physical and chemical characteristics, physical hazards, health hazards, special protection information and special precautions on spill/leak procedures. Thus, the information required in Section 3(e)(1) should be more than sufficient to meet community needs.

Under Section 4(b) we would suggest that "any person" means any person within the community as suggested in Section 2 of the bill. That is, the information should be provided "to emergency personnel who are charged with protecting the public health, safety and welfare." Any other citizen may obtain copies of the information by writing to the manufacturer or to the State Board of Agriculture or to the Kansas Department of Health and Environment. We believe that is consistent with the intent of the bill and wiser than inviting the general public to decide what hazardous chemicals are stored.

We would ask one other clarification and that is in regard to Section 7 which calls for reporting of any accidental discharge, which as written could tech-

nically mean one drop of chemical. We believe this section needs some clarification.

In conclusion, KFCA supports the concept of community right to know act, which is important in the safe handling of agricultural chemicals and protecting life and resources in the event of an accident. These are top priorities for our industry. We believe that the suggestions we have made would decrease the capability of the acts to carry out those purposes. We appreciate the opportunity to appear before you today and to work with you on this important legislation.



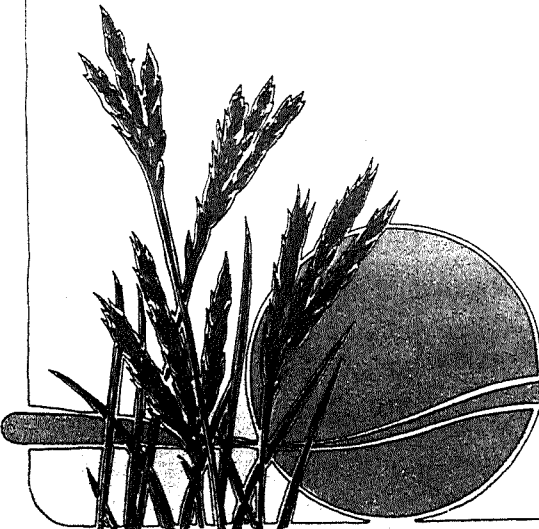
J.

# Kansas Natural Resource Council

Testimony on HB 2805

Presented by Marsha Marshall, Lobbyist

Kansas Natural Resource Council



ATTACHMENT J (1)

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2/11/86

KNRC strongly supports HB 2805. The bill provides access to information pertinent to the public and individual health and welfare... information which is not available in Kansas now. In addition, the information required by this bill is easily available to chemical manufacturers and users, since existing and pending federal legislation requires companies to report on most or all of the chemicals cited.

#### What Chemicals Are Covered

Hazardous Chemical Lists under Section 3.

d(1) Lines 0048 to 0050: 40 CFR 302.4---This list includes 698 chemicals and the quantities that must be reported to the National Response Center in the event of a release into the environment--whether into the air, water or soil. Under provisions of the CERCLA (Superfund) bill before Congress now, MSDS's will likely be required for these chemicals.

d(2) Lines 0051 to 0053: 29 CFR 1910.1200---Chemical manufacturers are already required to complete MSDS's of this list of chemicals (approximately 600) under federal regulations. Under OSHA, this chemical information is provided only to workers in the manufacturing sector.

d(3) Lines 0054 to 0056: "Chemical Emergency Preparedness Program Interim Guidance" (November, 1985). After accidents at Bhopal and Institute, West Virginia, the EPA identified a list of 403 acute air toxics. This list will most likely be amended to the CERCLA right to know provisions.

Over half the states in the country have passed some type of right to know legislation. The lists included in this bill have all been cited in federal statutes or in pending federal legislation. Some states, however, regulate a much larger number of chemicals than those cited federal bills or laws. New York's lists, for example include over 50,000 chemicals. Because of overlap in many of these lists, we estimate that the total number of hazardous chemicals covered under HB 2805 will not exceed 1200.

#### What Information Is Provided

e(1) MSDS (Material Safety and Data Sheet) includes information on the chemical and common name and identity of the hazardous substance, its physical and chemical characteristics, potential physical and health hazards, primary routes of entry, handling precautions, emergency first aid procedures, control measures, and whether the substance is a listed carcinogen.

e(2) Supplemental information on the environmental fate, persistence, biodegradability, bioconcentration and bioaccumulation of the hazardous chemical---This information addresses environmental consequences of chemical contamination

that are not required under OSHA. However, this information is readily available in chemical data bases and textbooks; OSHA publications provide a bibliography for locating the data.

#### Who Has Access to Information

Under the law, the adjutant general would be provided with all information required by this statute, including those chemicals for which a trade secret is claimed. The fire chief will be provided with all information, and may request that the adjutant general review any information withheld under trade secret provisions. Any person may request a material data safety sheet from any manufacturer or user under the law's provisions. KNRC suggests that individual access to information could be improved without undue burden upon industry or fire departments with the following adjustments:

1. line 0077: Add the underlined: "A copy of the list of chemicals and any hazardous chemical fact sheet".
2. line 0079: change "providing" to "reproducing"
3. line 0087: Add "(d) A list of reporting chemical manufacturers or users within the fire chief's jurisdiction shall be available during reasonable office hours on request of any person for the cost of reproducing a copy." This change, in our view, would help individual's access to hazardous chemical information.

#### Other Recommendations

1. line 0135: After "health" add "and environment".
2. After line 0076: Add "The lists and chemical fact sheets shall be retained for 30 years."
3. After line 0106: Add "(6) The chemical is not a carcinogen, mutagen, or teratogen as published in OSHA regulations."

October 3, 1985

<u>State</u>	<u>Worker</u>	<u>Public Safety</u>	<u>Community</u>		
			<u>MSDS</u>	<u>Storage</u>	<u>Emissions</u>
<u>1979</u>					
Maine	X	X <sup>a</sup>	X <sup>a</sup>		
<u>1980</u>					
California	X	b	b		
Connecticut	X	X	X		
New York	X				
<u>1981</u>					
West Virginia	X	X <sup>b</sup>	X <sup>c</sup>	X <sup>c</sup>	
Wisconsin	X	X			
<u>1982</u>					
Minnesota	X				
<u>1983</u>					
Alaska	X				
Illinois	X	X			
Massachusetts	X	X	X		
New Hampshire	X	X			
New Jersey <sup>d</sup>	X	X	X	X	X
Rhode Island	X	X <sup>e</sup>	X <sup>e</sup>		
<u>1984</u>					
Delaware	X	X			
Florida	X	X	f	f	
Iowa	X	X	X		
Maryland	X	X	X <sup>g</sup>		
Pennsylvania	X	X	X	X	X

<u>State</u>	<u>Worker</u>	<u>Public</u>	<u>Safety</u>	<u>Community</u>		
				<u>MSDS</u>	<u>Storage</u>	<u>Emissions</u>
<u>1985</u>						
Alabama	X		X			
Montana	X		X			
North Carolina	X <sup>h</sup>		X	X		
North Dakota			X	X		
Oregon	X		X	X		
Tennessee	X		X	i		
Texas	X		X	j		
Vermont	X <sup>k</sup>		X	X		
Washington	X		l	l	l	l
<u>PENDING</u>						
Arkansas						
Georgia						
Illinois						

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

Testimony on House Bill No. 2805

Presented by

Sharad V. Bhatia, Director  
Division of Environment

to the  
House Federal and State Affairs Committee  
February 11, 1986

The Kansas Department of Health and Environment supports House Bill No. 2805, the hazardous chemical community right-to-know act. The information required by the act will enable emergency response personnel, both at the state and local levels, to better respond to emergencies should such emergencies arise. It will also enable citizens to be informed about the health and environmental risks that may or may not be present in their immediate surroundings. I might add that 42 states already have enacted some type of right-to-know legislation.

The Kansas Department of Health and Environment would be happy to work with and to provide assistance to this committee and other state and local agencies in the implementation of House Bill No. 2805.

In conclusion, Mr. Chairman, the Kansas Department of Health and Environment supports House Bill No. 2805.

attachment k

H. FLSA  
2/11/86

TESTIMONY RE: HB 2805

FOR: HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

BY: THE KANSAS PETROLEUM COUNCIL

FEBRUARY 11, 1986

Mr. Chairman and Members of the Committee, my name is Ross Martin. I am executive director of the Kansas Petroleum Council, a trade association whose members are major oil companies. I appreciate the opportunity to appear today on HB 2805, a proposed hazardous chemical right to know act.

We have reviewed this bill and understand it was drafted to provide information access to emergency personnel and to the public. It defines a chemical manufacturer or user of certain chemicals to include anyone who processes, stores, sells, or produces a hazardous chemical. This definition includes people who possess or use quantities as small as 55 gallons or 500 pounds. The bill defines "hazardous chemicals" as those already regulated by EPA and OSHA. It appears the bill would apply to many small business users and to agricultural users, as well as to manufacturers. We are interested because it would also apply to refineries, oil well services, natural gas liquids processors, and possibly to some of our other business activities.

ATTACHMENT L

H. FJSA  
2/11/86

The Petroleum Council is not opposed to the concept that emergency personnel be kept informed about hazardous chemicals. And we appreciate your concern about public knowledge. At the same time, we feel this bill is far more complex than it looks.

Mr. Chairman, I am not here to quarrel about the intent of the bill. But I do want to speak to some problems we see in it. I'll try to be brief.

The first problem concerns the term "Hazardous chemical fact sheet" on page two, line 0057. That term refers to a document which would include (1) material safety data sheets (MSDS) and (2) something called "supplemental information". We think that MSDS would be useful to emergency personnel responding to an accident. In fact, our companies already provide this information as part of their hazard communications programs. I have attached sample MSDS copies to my testimony. You can see the information an MSDS contains is comprehensive; it provides the kind of information about a chemical that emergency response people would need.

On the other hand, the supplemental information, called for on line 0063, doesn't provide the kind of data that would be relevant in handling an emergency.



The term "supplemental information" is something wholly new to us. It seems superfluous and may indeed be difficult to get from chemical manufacturers on a timely basis. There are a great many chemicals on the EPA and OSHA lists. OSHA is said to list over 50,000. And there are hundreds of new chemicals coming on the market every year. So it might be difficult for us, or small businessmen and farmers to comply with a requirement to obtain this type of information.

In Section 4, at line 0077, the bill says that information "shall be made available during reasonable office hours on the request of any person". At line 0080, the same information must be provided to the adjutant general and to the local fire chief. In other words, the bill would require people to furnish the same information at least three times.

We agree that a responsible agency of government ought to receive this information. But we would go a step further. A government entity --whatever it might be, should be charged with providing the information directly to the public. People who want it could be asked to pay a small copying fee. And it would simplify matters and save businesses and farmers both time and money. It would also help manufacturers who, for safety and security reasons, don't favor the idea of opening their factory doors to the general public or want to shoulder the added cost of providing what amounts to public consulting service.

We also see a problem in Section 5 which refers to "other public officials", at line 0134. In this instance, trade secrets are involved. In an emergency situation, the bill would waive the signing of an agreement to keep a trade secret confidential. Kansas recognizes it is important to protect trade secrets. KSA 60-4420 addresses that problem. We are uncomfortable with the idea that trade secrets would be given to "other public officials" whom the act does not attempt to define.

Section 7 poses a definitional problem, too. At line 0143, the phrase "accidental discharge" is used without definition. Other state laws probably require a similar report. And we understand the federal government is going to require one under the Superfund law. Reporting requirements should be made uniform among the states. That way the potential for errors -- the odds against being confused and doing the wrong thing, would be much less. In an emergency situation, people should have a clear idea of what action to take. As you can imagine, there is a potential for 50 different state laws on the subject of hazard communications and that possibility raises several other interstate commerce issues.

Mr. Chairman, those are our immediate observations. As I said before, this bill may appear simple on its face, but I think you can see it really isn't. In fact, we have probably only scratched the surface. I am not qualified to answer technical questions. But there are people who can and you might want to consider bringing in some experts at a later date.

I will close now by saying we agree that emergency response teams may need information to protect themselves and communities in the event of an emergency. Basically, we believe that information should be collected by government and that government should share it with emergency response personnel. We also believe that public access to information should be through government and not at the drill site or the farmer's barn or at the factory door.

Thank you for considering my comments today. I hope what I have said throws some light on a complicated issue that would affect many Kansas businessmen and farmers.



# MATERIAL SAFETY DATA SHEET

## I. MATERIAL IDENTIFICATION

Name: Antifreeze/Coolant, Conoco  
Conoco Product Code: 2110  
Synonyms: Ethylene Glycol  
Manufacturer: Conoco Inc.  
Address: P.O. Box 1267, Ponca City, OK 74603

CAS Registry No.: Mixture;  
major components may be some  
combination of 107-21-1  
Transportation Emergency No.:  
(800) 424-9300 (Chemtrec)  
Product Information No.:  
(405) 767-6000

## II. HAZARDOUS INGREDIENTS

### HAZARD DATA

Hazard Determination:

Health Effect Properties:  
Ethylene glycol

Toxic to nervous system, kidney and liver.

Physical Effect Properties:  
Product/Mixture: None.

Not Applicable.

## III. PHYSICAL DATA

Appearance and Odor: Fluorescent green liquid; mild glycol odor.

Boiling Point (Deg.F)	<u>320</u>	Specific Gravity (H <sub>2</sub> O=1)	<u>1.125</u>
Vapor Pressure (mmHg)	<u>0.05</u>	% Volatile (by volume)	<u>Not Applicable</u>
Vapor Density (Air=1)	<u>2.14</u>	Evaporation Rate ( =1)	<u>Not Applicable</u>
Solubility in Water	<u>Completely</u>		

## IV. REACTIVITY DATA

Stable: **X**

Unstable:

Hazardous Decomposition Products: Carbon dioxide, carbon monoxide, vapors of ethylene glycol.

Conditions To Avoid: Strong oxidizing agents.

Hazardous Polymerization: Will not occur.

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**V. FIRE AND EXPLOSION HAZARD DATA**
LFL: 3.2      UFL: 15.3


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Flash Point (Method used): 230F (PMCC)

Handle and store in accordance with NFPA procedure for Class III B Combustible Liquid.

Extinguishing Media: Use water spray, dry chemical, alcohol resistant foam, or carbon dioxide.

Special Fire Fighting Procedures: Use water to keep fire-exposed containers cool. If leak or spill has not ignited, use water spray to disperse the vapors and to provide protection for men attempting to stop a leak. Water spray may be used to flush spills away from exposures.

Unusual Fire and Explosion Hazards: Products of combustion may contain carbon monoxide, carbon dioxide and other toxic materials. Do not enter enclosed or confined space without proper protective equipment including respiratory protection. If water evaporates off, residual materials could burn. Small amounts of oxides of nitrogen can be produced.

National Fire Protection Agency (NFPA) CLASSIFICATION			HAZARD RATING		
Health <u>1</u>	Fire <u>1</u>	Reactivity <u>0</u>	Least - 0	Slight - 1	Moderate - 2
				High - 3	Extreme - 4

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**VI. TRANSPORTATION AND STORAGE**
DOT HAZARD CLASS: Not Applicable


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Precautions To Be Taken In Handling And Storing: Product is Class III B Combustible Liquid per NFPA Code No. 30-1984. Store and handle accordingly.

Shipping Paper Description: Not D.O.T. Regulated.

Placard: Not D.O.T. Regulated.

D.O.T. Label: Not Regulated.OSHA Label: WARNING: Contains ethylene glycol. Harmful or fatal if swallowed. If swallowed, immediately induce vomiting and call a physician. Overexposure may cause nervous system depression, kidney damage or irritation. Do not store in open or unlabeled containers. Keep out of reach of children and animals. Do not reuse this container.

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**VII. HEALTH HAZARD INFORMATION**


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PEL Not available      TLV 50 ppm or 125 mg/m<sup>3</sup> (Ceiling values)\*Ceiling Value 50 ppm or 125 mg/m<sup>3</sup>\*AEL 50 ppm or 10 mg/m<sup>3</sup> as a time-weighted average\*

\* These values are for ethylene glycol.

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**VII. HEALTH HAZARD INFORMATION (continued)**

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Primary Routes of Exposure/Entry: Skin, inhalation.

Signs and Symptoms of Exposure/Medical Conditions Aggravated By Exposure:

No adverse health effect has been identified specifically for this product.  
Health effect information has been included for components of the product.

Ethylene glycol may cause irritation to eyes, lungs, or skin. Overexposure may cause central nervous system depression and liver or kidney toxicity.

Reproduction studies in mice and rats have shown that extremely high doses, which were toxic to the pregnant female, were also toxic to the newborn and caused birth defects. In this regard, the volatility of ethylene glycol is quite low and exposure to the chemical should be easy to control.

Listed as Carcinogen or Potential Carcinogen by: NTP No IARC No OSHA No

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**VIII. EMERGENCY AND FIRST AID PROCEDURES**

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Eyes: Immediately wash with fresh water for at least 15 minutes and get medical attention.

Skin: Remove contaminated clothing as soon as possible. Wash exposed skin thoroughly with soap and water. If irritation persists, consult a physician.

Launder contaminated clothing before reuse. Extremely contaminated leather shoes should be discarded.

Inhalation: If overexposure occurs, remove individual to fresh air. If breathing stops, administer artificial respiration.

Ingestion: If this material is swallowed, induce vomiting. If vomiting begins, lower victim's head in an effort to prevent vomitus from entering lungs. Immediately consult a physician. Do not attempt to give liquid to an unconscious person.

Note to Physicians: Emergency procedure for ethylene glycol intoxication should be followed.

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**IX. SPILL, LEAK AND DISPOSAL PROCEDURES**

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RCRA HAZARDOUS WASTE: Yes \_\_\_\_\_ No X

In Case Of Spill Or Leak: Contain spill immediately in smallest area possible. Recover as much of the product itself as possible by such methods as vacuuming, followed by soaking up residual fluids by use of absorbent materials. Remove contaminated items including soils and place in proper container for disposal. Avoid washing, draining or directing material to storm or sanitary sewers.

Waste Disposal Method: Recycle as much of the recoverable product as possible. Dispose of nonrecyclable material by such methods as controlled incineration, complying with federal, state and local regulations.

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**X. PRECAUTIONARY MEASURES**

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Respiratory Protection: None normally required except under unusual circumstances such as described in Section V.

Ventilation: Normal shop ventilation.

Protective Gloves: Impervious.

Eye Protection: Chemical goggles.

Other Protective Equipment: Not normally required.

The above data is based on tests and experience which Conoco believes reliable and are supplied for informational purposes only. CONOCO DISCLAIMS ANY LIABILITY FOR DAMAGE OR INJURY WHICH RESULTS FROM THE USE OF THE ABOVE DATA AND NOTHING CONTAINED THEREIN SHALL CONSTITUTE A GUARANTEE, WARRANTY (INCLUDING WARRANTY OF MERCHANTABILITY) OR REPRESENTATION (INCLUDING FREEDOM FROM PATENT LIABILITY) BY CONOCO WITH RESPECT TO THE DATA, THE PRODUCT DESCRIBED, OR THEIR USE FOR ANY SPECIFIC PURPOSE, EVEN IF THAT PURPOSE IS KNOWN TO CONOCO.



# MATERIAL SAFETY DATA SHEET

## I. MATERIAL IDENTIFICATION

Name: Asphalt  
Conoco Product Code: 1010/1012/1013/1014/1015/1016/  
1047/1048/1054/1055/1056/1057/1058/1064/1069/  
1073/1074/1075/1077/1078/1089/1095  
CAS Registry No.: 8052-42-4  
Transportation Emergency No.:  
(800) 424-9300 (Chemtrec)  
Synonyms: Paving Asphalt, Penetration or Viscosity  
Graded; AASHTO M20-70 or M226-80; ASTM D-946-82  
Product Information No.:  
(405) 767-6000  
or D3381-83  
Chemical Family: Paraffinic, Aromatic & Naphthenic Hydrocarbons  
Manufacturer: Conoco Inc.  
Address: P.O. Box 1267, Ponca City, OK 74603

## II. HAZARDOUS INGREDIENTS

## HAZARD DATA

### Hazard Determination:

#### Health Effect Properties:

Hydrogen sulfide/7783-06-4

This product may contain hydrogen sulfide that accumulated during storage or transport. This gas is irritating at low concentrations to the eyes, skin, and respiratory tract. At higher concentrations, respiratory paralysis may occur.

#### Physical Effect Properties:

Product/Mixture: None.

Not applicable.

## III. PHYSICAL DATA

Appearance and Odor: Black solid or semisolid; petroleum hydrocarbon odor  
Boiling Point ° F 800 Minimum Specific Gravity (H<sub>2</sub>O=1) Less than or equal to 1  
Solubility in Water Not Soluble % Volatile (by volume) Not volatile

## IV. REACTIVITY DATA

Stable: **X** Unstable:

Hazardous Decomposition Products: Combustion may form carbon dioxide, carbon monoxide sulfur dioxide.

Conditions To Avoid: Heat, flame or spark.

Hazardous Polymerization: Will not occur.

## V. FIRE AND EXPLOSION HAZARD DATA

Flash Point (Method used): 435° F (PM CC)

Extinguishing Media: Use water spray, dry chemical, foam, or carbon dioxide.

November 25, 1985



**V. FIRE AND EXPLOSION HAZARD DATA (Continued)**

Special Fire Fighting Procedures: Water or foam may cause frothing. Use water to keep fire-exposed containers cool. Water spray may be used to flush spills away from exposures.

Unusual Fire and Explosion Hazards: Products of combustion may contain carbon monoxide, carbon dioxide and other toxic materials. Do not enter enclosed or confined space without proper protective equipment including respiratory protection.

**VI. TRANSPORTATION AND STORAGE DOT HAZARD CLASS: Not Applicable**

Precautions To Be Taken In Handling And Storage: Refer to publication entitled "Safe Storage and Handling of Hot Asphalt"; The Asphalt Institute, Information Series No. 180, August 1981.

Shipping Paper Description: Not regulated by D.O.T.

Placard: Not regulated by D.O.T.

D.O.T. Label: Not regulated.

OSHA Label: CAUTION: Use in well-ventilated area. This product may contain hydrogen sulfide which is irritating at low concentrations to the eyes, skin, and respiratory tract. At higher concentrations, respiratory paralysis may occur.

Avoid ignition sources.

**VII. HEALTH HAZARD INFORMATION**

PEL Not Established TLV  $5\text{mg}/\text{m}^3$  (Petroleum asphalt fumes)  
Ceiling Value Not Established AEL Not Established

Primary Routes of Exposure/Entry: Skin, Inhalation.

Signs and Symptoms of Exposure/Medical Conditions Aggravated By Exposure:  
The heated product may cause irritation to eyes, lungs, or skin after prolonged or repeated exposure; hot asphalt can cause thermal burns and unheated asphalt can cause irritation. Overexposure to the fumes of heated product should be avoided. The product may contain hydrogen sulfide which is irritating at low concentrations to the eyes, skin and respiratory tract; at higher concentrations, respiratory paralysis may occur.

**VII. HEALTH HAZARD INFORMATION (continued)**

Health effect information from animal or human studies has been included on related materials, even though health experts may disagree as to the significance of this data. The International Agency for Research on Cancer, IARC, conducted a thorough literature search in 1985 and determined that there is inadequate evidence for the carcinogenicity of undiluted asphalt in animals or humans. However, mouse skin painting studies have shown that extracts or fume condensates of asphalts, or petroleum-derived materials having a boiling point above 700° F, and which may be similar to ingredients in this product, caused skin tumors (IARC Monographs Vol. 35, Jan. 1985; American Petroleum Institute, 1982). This animal data should be interpreted cautiously since the health effects may be dependent on variables such as solvent-extraction procedure, source of crude oil, manufacturing process, and that these studies involved repeated exposure of shaved skin which was never washed free of test material.

In considering the above information, remember that good hygienic practices can be helpful in preventing adverse health effects; for example, exposure to asphalt and its fumes can be minimized by using protective clothing or devices and skin contaminated with asphalt should be washed. The possibility of skin burns from hot asphalts acts as a deterrent against skin, eye or inhalation exposure. Intermittent or occasional skin contact with petroleum asphalts is not expected to have serious health effects as long as good personal hygiene measures, such as those outlined in this material safety data sheet, are followed.

Listed as Carcinogen or Potential Carcinogen by: NTP No IARC No OSHA No

**VIII. EMERGENCY AND FIRST AID PROCEDURES**

**Eyes:** Immediately wash with fresh water for at least 15 minutes and get medical attention.

**Skin:** Cool Product

Remove contaminated clothing as soon as possible. Clean exposed skin with waterless hand cleaner, followed by soap and water. If irritation persists, consult a physician.

Hot Product

If exposed to hot asphalt, immediately cool with cold water. Do not attempt to remove asphalt but continue to cool exposed areas with cold packs and seek medical assistance immediately.

**VIII. EMERGENCY AND FIRST AID PROCEDURES (Continued)**

Inhalation: If overexposure occurs, remove individual to fresh air. If breathing stops, administer artificial respiration.

Ingestion: If this material is swallowed, do not induce vomiting. If vomiting begins, lower victim's head in an effort to prevent vomitus from entering lungs. Immediately consult a physician. Do not attempt to give liquid to an unconscious person.

Note to Physicians: Gastric lavage by qualified medical personnel may be considered, depending on quantity of material ingested.

**IX. SPILL, LEAK AND DISPOSAL PROCEDURES**

RCRA HAZARDOUS WASTE: Yes  No

In Case Of Spill Or Leak: Contain spill immediately in smallest area possible. Recover as much of the product as possible by shovel or mechanical means. Nonrecyclable product and contaminated soils and other materials should be picked up and placed in proper containers for storage and ultimate disposal. Avoid washing, draining or directing material to storm or sanitary sewers.

Waste Disposal Method: Recycle as much of the recoverable product as possible. Dispose of nonrecyclable material by such methods as controlled incineration, complying with federal, state and local regulations. In many areas, asphalt mixed with soil, sand or aggregate can be disposed on landfill or Class III dumps. Check with local agencies for applicable regulations.

**X. PRECAUTIONARY MEASURES**

Respiratory Protection: None required for normal conditions of use. If operating conditions cause high vapor concentrations or TLV is exceeded, use supplied-air respirator approved by NIOSH.

Ventilation: Normal ventilation unless vapors are high, then mechanical ventilation should be used.

Protective Gloves: Impervious.

Eye Protection: Chemical goggles, if material is hot. Safety glasses with side shields if material is cold.

Other Precautions: Skin contact should be minimized. Clean exposed skin with waterless hand cleaner, followed by soap and water. Complete protective clothing if material is being handled hot. Launder or discard contaminated clothing. Discard contaminated leather material.

CAS Registry No.: 8052-42-4

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November 25, 1985

## MATERIAL SAFETY DATA SHEET

### IDENTIFICATION

**NAME**

Hydrogen Peroxide (30 to 52%)

**GRADE** Albone\* 35, 50, 35 CG,  
50 CG, 50 M; Kastone\* Kastone\* B;  
Perone\* 30 EG, 35, 50; Tysul\*  
50S, WW35, WW50**SYNONYMS** Peroxide**CAS NAME** Hydrogen Peroxide**ID. NOS./CODES**

NIOSH Registry No: MX 0900000

**MANUFACTURER/DISTRIBUTOR**

E. I. du Pont de Nemours &amp; Co. (Inc.)

**ADDRESS**

Wilmington, DE 19898

**CHEMICAL FAMILY**

Inorganic Peroxide

**FORMULA** $H_2O_2$ **CAS REGISTRY NO.**

7722-84-1

**PRODUCT INFORMATION PHONE**

(800) 441-9442

**MEDICAL EMERGENCY PHONE**

(800) 441-3637

**TRANSPORTATION EMERGENCY PHONE**

CHEMTREC (800) 424-9300

### PHYSICAL DATA

**BOILING POINT, 760 mm Hg**106 to 114°C (222 to 237°F)  
(See page 2 for specific grades)**SPECIFIC GRAVITY**

1.1 to 1.2 (See page 2)

**VAPOR DENSITY**

0.8 to 1.0 (calculated)

**pH INFORMATION**Apparent pH = 3.3 at  
30% to 1.8 at 50%**FORM**

Liquid

**COLOR**

Colorless

**MELTING POINT**

-26 to -52°C (-15 to -62°F)

**VAPOR PRESSURE**18 to 25 mm Hg at 30°C (86°F)  
(See page 2)**SOLUBILITY IN WATER**

100%

**EVAPORATION RATE (BUTYL ACETATE=1)**

&gt;1

**APPEARANCE**

Clear

**ODOR**

Slightly pungent, irritating

\*Reg. U.S. Pat. & Tm. Off., Du Pont Company. Albone®, Kastone®, Perone®, and Tysul® Hydrogen Peroxide are made only by Du Pont.

HYDROGEN PEROXIDE  
CONCENTRATION

	30%	35%	40%	50%
Boiling Point - 760 mm Hg, °C	106	108	109	114
°F	222	226	228	237
Melting Point - °C	-26	-33	--	-52
°F	-15	-27	--	-62
Specific Gravity - 20°C (68°F)	1.112	1.133	1.17	1.196
Vapor Pressure - 30°C (86°F), mm Hg	25	23	22	18

HAZARDOUS COMPONENTS

<u>MATERIAL(S)</u>	<u>APPROXIMATE %</u>
Hydrogen Peroxide	30 (Perone® 30 EG)
Hydrogen Peroxide	35 (Albone® 35, 35 CG; Perone® 35; Tysul® WW35)
Hydrogen Peroxide	40 (Kastone®)
Hydrogen Peroxide	50 (Albone® 50, 50CG, 50M; Kastone® B; Perone® 50; Tysul® 50S, WW50)

HAZARDOUS REACTIVITY

**INSTABILITY**

Unstable with heat or contamination; liberation of oxygen gas may result in dangerous pressures. (See "Decomposition," below).

**INCOMPATIBILITY**

Incompatible with cyanides, hexavalent chromium compounds, nitric acid, potassium permanganate, many other oxidizing and reducing agents, and many flammables (see "Fire and Explosion Hazards").

**DECOMPOSITION**

Contamination from any source may cause rapid decomposition, oxygen gas release, and dangerous pressures. May react dangerously with rust, dust, dirt, iron, copper, heavy metals or their salts (such as mercuric oxide or chloride), alkalies, and with organic materials (especially vinyl monomers).

**POLYMERIZATION**

Will not occur.

## FIRE AND EXPLOSION DATA

FLASH POINT Will not burn.

AUTOIGNITION TEMPERATURE  
Not applicable.

AUTODECOMPOSITION TEMPERATURE  
Not applicable.

EXTINGUISHING MEDIA  
Flush away with water.

### FLAMMABLE LIMITS IN AIR, % BY VOL.

Will not burn, but decomposition will release oxygen which will increase the explosive limits and burning rate of flammable vapors.

### FIRE AND EXPLOSION HAZARDS

Strong oxidizer. Contact with clothing or combustibles may cause fire. Contact with organic liquids or vapors may cause immediate fire or explosion, especially if heated, or may result in a delayed detonation.

### SPECIAL FIRE FIGHTING INSTRUCTIONS

Flood with water. Cool tanks or containers. Wear full protective clothing (rubber suit and boots) including chemical splash goggles or hood and self-contained breathing apparatus.

## HEALTH HAZARD INFORMATION

PRINCIPAL HEALTH HAZARDS (Including Significant Routes, Effects, Symptoms of Over-Exposure, and Medical Conditions Aggravated by Exposure)

May cause eye burns; effects may be delayed. Causes skin irritation or burns. Causes lung irritation. Harmful if swallowed.

Inhalation 8-hour LC50: >2000 ppm in rats (90% H<sub>2</sub>O<sub>2</sub>)

Skin absorption LD50: 700 mg/kg (90% H<sub>2</sub>O<sub>2</sub>); 9200 mg/kg (70% H<sub>2</sub>O<sub>2</sub>)  
in rabbits

Oral LD50: 75 mg/kg in rats (75% H<sub>2</sub>O<sub>2</sub>)

Toxic effects described in animals from short exposures include irritation and corrosion of mucosal surfaces. Tests in animals demonstrate no carcinogenic activity. Tests for mutagenic activity in bacterial or mammalian cell cultures have been inconclusive, with positive results in some studies, and negative results in others. Tests for developmental activity (effects to the fetus) in animal species have been inconclusive, with positive results in some studies, and negative results in others. Tests in animals demonstrate no reproductive toxicity.

Human health effects of overexposure may initially include: skin irritation with discomfort or rash, eye irritation with discomfort, tearing, or blurring of vision, or irritation of the upper respiratory passages. Higher exposures may lead to these effects: eye corrosion with corneal or conjunctival ulceration, skin burns or ulceration, or temporary lung irritation effects with cough, discomfort, difficulty breathing, or shortness of breath. There are inconclusive or unverified reports of human sensitization.

## CARCINOGENICITY

Not listed as a carcinogen by IARC, NTP, OSHA, ACGIH, or Du Pont.

## EXPOSURE LIMITS (PEL (OSHA), TLV (ACGIH), AEL (DU PONT), ETC.)

The OSHA 8-hour Time Weighted Average (TWA) and ACGIH TLV®-TWA are 1 ppm, 1.4 mg/m<sup>3</sup>.

## SAFETY PRECAUTIONS

Use extreme care when attempting any reactions because of fire and explosion potential (immediate or delayed). Conduct all initial experiments on a small scale and protect personnel with adequate shielding as the reactions are unpredictable, being affected by impurities, contaminants, etc. Do not get in eyes. Avoid contact with skin and clothing. Avoid contact with flammable or combustible materials. Avoid contamination from any source including metals, dust, and organic materials. Never use pressure to empty drums - container is not a pressure vessel. Wash thoroughly after handling.

## FIRST AID

In case of eye contact: Immediately flush eyes with plenty of water for at least 15 minutes. Call a physician.

In case of skin contact: Immediately flush skin with plenty of water for at least 15 minutes while removing contaminated clothing and shoes. Call a physician. Wash contaminated clothing and shoes promptly and thoroughly.

If inhaled: Remove to fresh air. If not breathing give artificial respiration, preferably mouth-to-mouth. If breathing is difficult, give oxygen. Call a physician.

If swallowed: Do not induce vomiting. Give large quantities of water. Never give anything by mouth to an unconscious person. Call a physician.

## NOTE TO PHYSICIAN

If swallowed, large amounts of oxygen may be released quickly. The distention of the stomach or esophagus may be injurious. Insertion of a gastric tube may be advisable.

## PROTECTION INFORMATION

### GENERALLY APPLICABLE CONTROL MEASURES

Good general ventilation should be provided to keep peroxide concentrations below exposure limits.

### PERSONAL PROTECTIVE EQUIPMENT

Chemical splash goggles and appropriate gloves (neoprene, butyl rubber, or vinyl) should be worn. Have available and wear as needed: hard hat with brim; rubber boots; full length face shield; rubber, neoprene, or polyethylene apron; chemical suit with hood and breathing air supply. Do not wear leather gloves or leather soled, porous, or scuffed shoes; can ignite within minutes following contact with peroxide. Clothing can also ignite quickly; Dacron® polyester is recommended for clothing because it is



more resistant to fire than natural fibers. Clothing fires and skin damage occur less quickly with 50% or less peroxide than with 70% material, but adequate personal protection is essential for all industrial concentrations. Protective skin creams offer no protection from hydrogen peroxide and should not be worn.

#### DISPOSAL INFORMATION

##### AQUATIC TOXICITY

The 96-hour LC50 in catfish is 37.4 mg/L.

##### SPILL, LEAK OR RELEASE

Comply with Federal, State, and local regulations on reporting releases of water. Flood area with water and drain to an approved chemical sewer or wastewater treatment system, including municipal sewers if approved. May be destroyed with sodium metabisulfite or sodium sulfite (1.9 lbs. SO<sub>2</sub> equivalent per lb. of peroxide) after diluting to 5-10% peroxide.

##### WASTE DISPOSAL

Comply with Federal, State, and local regulations. If approved, may be diluted and drained to a municipal sewer or waste treatment plant. May be drained through a scrap metal pit (iron, copper, etc.) to reduce peroxide concentration.

#### SHIPPING INFORMATION

##### DOT (172.101)

##### PROPER SHIPPING NAME

Hydrogen Peroxide Solution\*  
(8% to 52%)

##### HAZARD CLASS

Oxidizer

UN NO. 2014

DOT LABEL(S) Oxidizer

##### DOT/IMO (172.102)

##### PROPER SHIPPING NAME

Hydrogen Peroxide,  
Aqueous Solution (20 to 60%)

##### HAZARD CLASS

Oxidizer, 5.1

UN NO. 2014

SUBSIDIARY RISK Corrosive

\*Not regulated by DOT as a hazardous material in tank cars and tank trucks.

E-79896

Date: 10/85

IMO (PAGE 5043)

PROPER SHIPPING NAME  
Hydrogen Peroxide,  
Aqueous Solution (20% to 60%)

HAZARD CLASS 5.1

UN NO. 2014

IMO LABEL(S) Oxidizer Corrosive

IATA/ICAO

PROPER SHIPPING NAME  
Hydrogen Peroxide,  
Aqueous Solution\* (20% to 40%)

HAZARD CLASS 5.1

UN NO. 2014

SUBSIDIARY RISK 8

LABEL(S) Oxidizer, Corrosive

PACKAGING GROUP NO. II

OTHER INFORMATION

SHIPPING CONTAINERS

Tank cars; tank trucks, ISO (sea) tanks, drums, and bottles.

STORAGE CONDITIONS

Store in a properly vented container or in approved bulk storage facilities. Do not block vent. Do not store where contact with incompatible materials could occur, even with a spill (see "Hazardous Reactivity"). Have water source available for diluting. Keep container out of sun and away from heat, sparks, and flame. Do not add any other product to container. Never return unused peroxide to container, instead dilute with plenty of water and discard. Rinse empty containers thoroughly with clean water before discarding.

ADDITIONAL INFORMATION AND REFERENCES

For further information, see Du Pont Hydrogen Peroxide Storage and Handling Bulletin.

DATE OF LATEST REVISION/REVIEW: 8/85

PERSON RESPONSIBLE FOR MSDS: J. C. Watts, Du Pont Co., C&P Dept., Chestnut Run,  
Wilmington, DE 19898, (302) 999-4946

\*Greater than 40% forbidden to ship via air.

E-79896

Date: 10/85



KANSAS TERMITE &

PEST CONTROL ASSOCIATION

INC



**President**

Mark Hassman  
913-827-6750

**President-elect**

L. Don Richardson  
316-221-2685

**Vice President**

Byron Reida  
316-542-3693

**Secretary-Treasurer**

Jim Clark  
316-522-8244

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316-792-4351

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913-236-8660

Region II:  
Rockne Welborn  
316-838-5667

Region III:  
Richard Adams  
913-462-6151

At-Large:  
Norman Besheer  
816-523-0777

**Executive Secretary**

Peg King  
410 N. Jefferson  
Junction City  
Kansas 66441  
913-238-8300

February 11, 1986

TO: Chairperson, Representative Robert Miller and members  
of the Federal and State Affairs Committee.

FROM: Kansas Termite and Pest Control Association

I am Paul Mages, and I represent the Kansas Pest Control Association, a group of approximately two hundred pest control businesses in the state. I am present to submit testimony in opposition to House Bill 2805.

Our objection to this bill is that, it places a reporting burden on pest control operators throughout the state. We can certainly understand that the fire department and adjutant general have a justified need to beware of locations where substantial amounts of hazardous substances are present, in the event there is a fire or a spill. Our national and state associations have advised for several years, that we notify local fire departments of pesticides stored in our business locations, and this is a common practice. Our opposition, as small business owners and operators, is to the burden of gathering and redistributing of data, which is already being furnished to the Board of Agriculture, the state agency that regulates pest control operators, and screens all pesticides to be used in Kansas. The adjutant general, fire chief and other interested persons may request this data from the regulatory agency, or direct from the manufacturer. Placing this data redistribution burden on small business operators will require more paper work, effort and expense on their part, and will be viewed as another subjection to more bureaucratic paper work and red tape.

ATTACHMENT M

H. FJSA  
2/11/86

We appreciate the opportunity to share our views with you, and hope you will take them into consideration, as you act on this bill.

Thank you!

A handwritten signature in cursive script that reads "Paul Mages". The signature is written in black ink and has a long horizontal flourish extending to the right.

Paul F. Mages, Chairman  
Legislative Committee  
Kansas Termite & Pest Control Association

PFM:mag

T E S T I M O N Y

HOUSE BILL NO. 2805

PRESENTED TO

COMMITTEE ON FEDERAL AND STATE AFFAIRS

by

Dale Lambley, Director  
Kansas State Board of Agriculture  
Division of Plant Health

February 11, 1986

ATTACHMENT N

H. FLSA

2/11/86

We are all, I believe, aware that we live in a time which has been variously called the electronic age, the chemical age, the age of mass communication and a variety of other terms. Whichever we choose, the fact is that we currently reside in a society where use of chemicals, both synthetic and natural, are a common facet of our everyday lives. Each and every citizen of this state should be aware of the benefits and the hazards inherent in use of some products. It is the responsibility of each of us to inform ourselves of the characteristics of these chemicals as they relate to the safety, health and welfare of ourselves as individuals and to our peers. To do this, free access to information for both emergency personnel and private citizens is a necessity. House Bill 2805 attempts to address this need.

The Kansas State Board of Agriculture has long had a role in dealing with one class of chemicals known as pesticides and with those industries involved in the distribution and use of those products. We are also responsible for conduct of a variety of plant pest control programs. Consequently, we foresee the probability that two (2) of our divisions will be considered under the act. These are the Plant Health Division and the Division of Laboratories. The Plant Health Division does not perceive any difficulties in adhering to the requirements proposed. In most instances, our programs will involve volume uses of one pesticide on a periodic basis--such as in an occasional grasshopper control program. As a consequence, the paperwork involved in this proposal will not become burdensome. The Division of Laboratories, likewise, will feel little impact from this proposal since they commonly maintain, at the most, 2 55-gallon drums of solvent used for their vitamin A analysis of feedstuffs.

From the standpoint of general information, it would appear that the majority of firms licensed and registered under the Kansas Pesticide Law and dealer registration amendment would fall under the auspices of this bill. Further, it appears that numerous farmers and some garden centers will also be included. The latter are mentioned specifically because the pesticides Malathion and Sevin are commonly carried in significant amounts by most garden centers for sale to homeowners for use on gardens and lawns. Both pesticides are on the C.F.R. 4-302.4 list of hazardous substances. We are not at this time clear as to total number of firms covered by this bill, partially because we are not clear as to the intent of Sec. 3(a). Specifically, we have some questions as to the meaning of the "55 gallons or 500 pounds" language. For example, would a firm having a 40 gallon drum of one hazardous chemical and a 45 gallon drum of a second hazardous chemical fall under the requirements of this statute?



# PUBLIC POLICY STATEMENT

HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE  
Representative R.H. Miller, Chairman  
February 11, 1986

RE: H.B. 2805 - Establishing the Hazardous Chemical Community  
"Right-to-Know" Act

Presented by:  
Bill R. Fuller, Assistant Director  
Public Affairs Division  
KANSAS FARM BUREAU

\* \* \* \* \*

Mr. Chairman and Members of the Committee:

I am Bill Fuller, Assistant Director of the Public Affairs Division of Kansas Farm Bureau. I am speaking on behalf of the farmers and ranchers who are members of Kansas Farm Bureau. We appreciate this opportunity to express our views and raise questions concerning H.B. 2805 ... Establishing the hazardous chemical community "Right-to-Know" Act.

Kansas Farm Bureau supports meaningful and fair environmental and safety standards. On November 26, 1985, farmers and ranchers from the 105 counties of Kansas, serving as delegates for their county Farm Bureaus at the Kansas Farm Bureau Annual Meeting adopted the following language relating to the topic being discussed today:

ATTACHMENT O  
H. FLSA  
2/11/86



### **Hazardous Waste Disposal**

Storage, identification, packaging, transportation, and disposal of hazardous waste materials must be adequately researched and developed to insure safety for Kansas citizens and the natural resources of this state.

We believe the Governor and the Kansas Legislature working cooperatively, in order to provide for safe storage and disposal of hazardous wastes, should assure that:

1. Kansas does not become a dumping ground for waste materials coming from other **states or nations**;
2. Only qualified, technically-competent persons, corporations, or entities are granted authority to develop a site or sites for disposal or storage of radioactive or other hazardous wastes, with such entity being fully liable for safe operation of such site or sites; and
3. There is adequate protection against escape, dispersion or erosion of hazardous waste into the soil and waters surrounding any disposal site.

### **Environmental Standards**

We will oppose legislation which would permit harassment of agricultural producers because of unsubstantiated allegations regarding damage or probable damage to the land, water or air. We believe no legislation should be enacted, nor should an environmental regulation be promulgated, unless it is based on factual information and scientific knowledge.

We recommend to the State Legislature that chemical air toxic emission levels be established in the State of Kansas.

On the other hand, KFB opposes "over-regulation" that can result in harassment to farmers and ranchers.

Under the definitions in Section 3, we assume "user" includes farmers and ranchers. Therefore, we have several questions as to the intent and administration of H.B. 2805:

1. Lines 0034 to 0037, "uses, stores" -

Does this include a farmer who uses 75 gallons of 2,4-D for a variety of purposes during the year, but does not have more than 55 gallon on hand at any one time?

2. Lines 0037 and 0038, "at any one location in this state" -

Does this mean one farming operation or each tract of land making up a farming operation?

3. Lines 0039 to 0042, "container" -

Does this include anhydrous ammonia nurse tanks and/or applicators? Full or partially full?

Does this include liquid fertilizer storage tanks? Nurse tanks? Full or partially full?

4. Line 007, "reasonable office hours" -

Does this require farmers to keep "reasonable office hours"? What are "reasonable office hours" for farmers?

We commend this Committee for your interest in safety and protection of the environment. However, we ask you not to overlook the fact that farmers have a personal stake in safety and the environment too ... it is their work place and home. We ask you to guard against imposing excessive regulations on farm users that would be time-consuming and costly to implement. We appreciate this Committee for allowing us to express our views on H.B. 2805.

Thank You!



# SIERRA CLUB

## Kansas Chapter

TESTIMONY IN HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS  
ON H.B. 2805  
11 FEBRUARY 1986

The Sierra Club wholeheartedly endorses the intent of H.B. 2805 as expressed in Section 2. In fact, our lobbyist Malcolm Moore has mentioned to many of you our interest in such right-to-know legislation. However, we do not support H.B. 2805 because, regardless of the intent expressed in Section 2, it is not right-to-know legislation.

The fundamental principle behind right-to-know legislation is that people should be able to make informed decisions about the level of risk they are willing to bear. These decisions include individual choices about where to live and what to eat, as well as shared decisions about where to site treatment facilities for hazardous wastes and how to react to emergencies.

There are two important reasons that people are unable to make such informed decisions now:

- (1) Information concerning the locations, uses, and health and environmental effects of hazardous substances is not available to the public.
- (2) No one knows many of the health and environmental effects of hazardous substances.

Thus, the goals of right-to-know legislation are more comprehensive than supplying fire departments with information needed to prepare for emergencies. The goals include:

- increasing our knowledge, through disease registries and epidemiological studies, of the health and environmental effects of use, storage, disposal, and transport of hazardous materials;
- providing citizens with information they need to make informed personal decisions concerning acceptable risks;
- providing mechanisms for informed public policy decisions.

At the very least, a "right-to-know" bill should provide citizens with information they need to make informed personal decisions concerning acceptable risks. This bill fails to provide such information. Most importantly, right-to-know legislation should provide public access to information concerning the hazardous chemicals manufactured, transported, used, stored, or disposed of in this state: what volume is stored in what locations, what type of processes they are involved in, and what safety procedures are appropriate. H.B. 2805 provides for access to a fact sheet on each chemical present in sufficient quantity to be covered, but does not provide the more basic information about which chemicals are actually present.\* In addition, the broad provisions allowing manufacturers to withhold trade secrets, without a private right of action to gain access that is improperly denied, can unnecessarily restrict public access to vital information.\*\*

ATTACHMENT P  
H. FJSA  
2/11/86

We would like to suggest that the bill be amended to address the intent expressed in the bill. We suggest that the intent might be best addressed in a stepwise fashion--by (1) establishing data gathering and reporting requirements that address the broader needs I have mentioned and (2) creating a citizen task force to determine the need for further legislation.

\*Note on information sheets: Enclosed with this testimony is an example of a Material Safety Data Sheet. As you can see, the information is not very specific, and would not be very helpful to a citizen who wants to know how safe it is to live next door to the facility.

\*\*Note on trade secrets: According to the Uniform Trade Secrets Act (K.S.A. 60-3320 ff), something is a trade secret if it can be and is concealed, and if concealing it is economically beneficial to someone. Clearly, it can be argued that the presence of any hazardous material in a community is something that may be costly to reveal, and therefore if successfully concealed, may be claimed to be a trade secret.

It would be more appropriate to require that all data be reported, but cite in disclosure conditions a definition of confidential business information such as in Federal regulations dealing with the Freedom of Information Act (40 CFR Part 2). Confidential business information is information that is entitled to be kept confidential, balancing benefits of disclosure to the public against costs of trade secrets. Separation of reporting and disclosure requirements makes necessary information immediately available to emergency response personnel regardless of trade secrets.

Terry Shistar, Conservation Chair  
Kansas Sierra Club

# MATERIAL SAFETY DATA SHEET

NPCA 1-82

FOR COATINGS, RESINS AND RELATED MATERIALS

(Approved by U.S. Department of Labor "Essentially Similar" to Form OSHA-20)

## Section I

MANUFACTURER'S NAME **Southland/DeSoto, Inc.** DATE OF PREP **5-2-84**

STREET ADDRESS **1101 Southland Drive** CITY, STATE, AND ZIP CODE **Gainesville, TX 76240**

EMERGENCY TELEPHONE NO. **(Within Texas) 1-800-772-5839** PRODUCT CLASS **Solvent Blend**

INFORMATION TELEPHONE NO. **(Outside Texas) 1-800-433-5591**

MANUFACTURERS CODE IDENTIFICATION **5ST04** TRADE NAME **Lacquer Thinner**

## Section II—HAZARDOUS INGREDIENTS

INGREDIENT	PERCENT	OCCUPATIONAL EXPOSURE LIMITS	VAPOR PRESSURE	TOXICITY DATA
Ketone	10-30	200 ppm	71 MMHG @ 68°F.	
Aromatic Hydrocarbon	10-30	200 ppm		
Aliphatic Hydrocarbon	30-60	500 ppm		
Alcohol	10-30	400 ppm		
Ester	1-10	Not Est.		
Alcohol	1-10	25 ppm		

## Section III—PHYSICAL DATA

BOILING RANGE **176°F @ 760.00 MMHG** VAPOR DENSITY  HEAVIER,  LIGHTER, THAN AIR

EVAPORATION RATE  FASTER  SLOWER, THAN ETHER PERCENT VOLATILE BY VOLUME **100** WEIGHT PER GALLON

## Section IV—FIRE AND EXPLOSION HAZARD DATA

FLAMMABILITY CLASSIFICATION OSHA \_\_\_\_\_ FLASH POINT **< 73°F** LEL **1.0%**

EXTINGUISHING MEDIA DOT \_\_\_\_\_

FOAM  "ALCOHOL" FOAM  CO<sub>2</sub>  DRY CHEMICAL  WATER FOG  OTHER

UNUSUAL FIRE AND EXPLOSION HAZARDS Vapors are heavier than air and may travel along the ground or may be moved by ventilation and ignited by pilot lights, other flames, sparks, heaters, smoking, electric motors, or other ignition sources at locations distant from material handling point. Never use welding or cutting torch on or near drum (even empty) because product (even just residue) can ignite explosively.

## Section V—HEALTH HAZARD DATA

### EFFECTS OF OVEREXPOSURE

**Eyes:** Can cause severe irritation, redness, tearing, blurred vision.  
**Skin:** Prolonged or repeated contact can cause moderate irritation, defatting, dermatitis.  
**Breathing:** Excessive inhalation of vapors can cause nasal irritation, dizziness, weakness, fatigue, nausea, headache, possible unconsciousness, and even asphyxiation.  
**Swallowing:** Can cause gastrointestinal irritation, nausea, vomiting, diarrhea. Aspiration of material into the lungs can cause chemical pneumonitis.

**EMERGENCY AND FIRST AID PROCEDURES** Skin: Thoroughly wash exposed area with soap and water. Remove contaminated clothing. Launder contaminated clothing before re-use. Eyes: Flush with large amounts of water, lifting upper and lower lids occasionally. Get medical attention. (See other precautions)

## Section VI—REACTIVITY DATA

STABILITY  UNSTABLE  STABLE

CONDITIONS TO AVOID

INCOMPATIBILITY (Materials to avoid)

HAZARDOUS DECOMPOSITION PRODUCTS May form toxic materials: Carbon dioxide and carbon monoxide, various hydrocarbons, etc.

HAZARDOUS POLYMERIZATION  MAY OCCUR  WILL NOT OCCUR

## Section VII—SPILL OR LEAK PROCEDURES

**STEPS TO BE TAKEN IN CASE MATERIAL IS RELEASED OR SPILLED** Small spill: Absorb liquid on paper, vermiculite, floor absorbent, or other absorbent material and transfer to hood. Large spill: Eliminate all ignition sources (flares, flames including pilot lights, electrical sparks). Persons not wearing protective equipment should be excluded from area of spill until clean up has been completed. Stop spill at source, dike area of spill to prevent spreading, pump liquid to salvage tank. Remaining liquid may be taken up on sand, clay, earth, floor absorbent or other absorbent material and shovelled into containers.

Waste Disposal Method: See attached sheet

## Section VIII—SPECIAL PROTECTION INFORMATION

RESPIRATORY PROTECTION

See attached sheet

VENTILATION

Provide sufficient mechanical (general), and or local exhaust ventilation to maintain exposure below TLV's.

PROTECTIVE GLOVES

Wear resistant gloves such as Buna-N

PROTECTIVE EQUIPMENT

EYE PROTECTION

Chemical splash goggles in compliance with OSHA regulations are advised; however, OSHA regulations also permit other type safety glasses. (See your safety equipment supplier)

## Section IX—SPECIAL PRECAUTIONS

PRECAUTIONS TO BE TAKEN IN HANDLING AND STORING

See attached sheet

OTHER PRECAUTIONS

If swallowed: Do not induce vomiting. Keep person warm, quiet and get medical attention. Aspiration of material into the lungs due to vomiting can cause chemical pneumonitis which can be fatal. If breathed: If affected, remove individual to fresh air, if breathing is difficult, administer oxygen. If breathing has stopped, give artificial respiration. Keep person warm, quiet and get medical attention.

**Material Safety Data Sheet**  
**Lacquer Thinner**  
**5ST04**

**Waste Disposal Method:** Small spill: Allow volatile portion to evaporate in hood. Allow sufficient time for vapors to completely clear hood duct work. Destroy remaining material by burning in an iron pan.

Large spill: Destroy by liquid incineration with off-gas scrubber. Material collected on absorbent material may be deposited in a posted toxic substance landfill in accordance with local state and federal regulations.

**Respiratory Protection:** If TLV of the product or any component is exceeded, a NIOSH/MSHA jointly approved self-contained breathing apparatus with a full facepiece operated in pressure-demand or other positive pressure mode is advised; however, OSHA regulations also permit other NIOSH/MSHA respirators under specified conditions. (See your safety equipment supplier).

**Precautions to be taken in handling and storing:** Containers of this material may be hazardous when emptied, since emptied containers retain product residues (vapor, liquid, and/or solid), all hazard precautions given in this data sheet must be observed.

**Overexposure to components** has apparently been found to cause the following effects in laboratory animals: liver abnormalities, kidney damage, lung damage, spleen damage, brain damage.

**Overexposure to components** has been suggested as a cause of the following effects in humans: liver abnormalities, kidney damage.



**KANSAS INDEPENDENT OIL & GAS ASSOCIATION**

500 BROADWAY PLAZA • WICHITA, KANSAS 67202 • (316) 263-7297

February 11, 1986

TO: House Federal and State Affairs Committee

RE: HB 2805

Mr. Chairman:

Our association reacts to bills introduced in various ways. In the case of HB 2805, we find the bill vague and misunderstood, and we ask that your Committee proceed very carefully in considering its merits.

We are not aware of what motivates this bill. We note the reference to EPA and OSHA and wonder if this is being mandated by those federal agencies. If not, we then believe it is necessary to examine the need for additional regulation in this field.

In line 37, we note a user is one that uses chemicals exceeding 55 gallons or 500 pounds at any one location. We don't know if that is daily or annual use. It is not clear. We would hope legislation along this line would be directed at large commercial use and transportation and not private, incidental use of small quantities of chemicals. Like the farmers, our producers use small quantities of chemicals in their everyday activity on producing leases.

We are not familiar with the federal EPA and OSHA references cited on lines 45-50 and 53. We assume our industry - which has nearly 5,000 licensed operators presently regulated by the State of Kansas - may be involved.

This is the first time we have been exposed to having the State Adjutant General regulating our industry. We have not been exposed to their expertise and ability to undertake this task. We wonder what fire chief you would advise, where a barrel of chemical is on a producing lease, in remote rural areas of Kansas. Frankly, we are just not knowledgeable about how the fire departments are organized throughout Kansas.

We object to having to make a chemical fact sheet available to any person as noted on line 79. We think that is going much too far.

If you are serious about this type of regulation, we suggest a sub-committee be appointed to sit down with the Kansas industrial community to ascertain what common ground may be involved.

Donald P. Schnacke

DPS:pp

Atch. 9  
H. FLSA  
2/11/86