

Approved _____
Date

MINUTES OF THE House Sub COMMITTEE ON Energy

The meeting was called to order by Chairman Holmes at _____
Chairperson

3:30 ~~a.m.~~ p.m. on February 24, 1987 in room 526-S of the Capitol.

All members were present except:

Representative Roe

Committee staff present:

Ramon Powers, Legislative Research Department
Theresa Kiernan, Revisor of Statutes Office
Betty Meyer, Committee Secretary

Conferees appearing before the committee:

Dennis Murphy, KDHE
Representative Norman Justice
Representative Max Moomaw

Chairman Holmes called the meeting to order.

Rep. Holmes then stated that there had been a mix-up in HB 2343, and that Rep. Justice was alluding to EDB's, not PCB's.

Attachment 1

Dennis Murphy then gave a short background on EDB, or Ethylene dibromide, an insecticide widely used in soils and a fumigant for grain mills, equipment and warehouses. It is disposed of by high temperature destruction. (Attachment 1)

Rep. Holmes then called on Rep. Justice, who asked the committee to turn HB2343 into a resolution.

Mr. Powers read the proposed resolution HR _____. (Attachment 2)

A motion was made by Rep. Acheson and seconded by Rep. Webb to introduce HR _____ and recommend it to the full committee for favorable action. The motion passed.

A motion was made by Rep. Fry and seconded by Rep. Webb to recommend HB 2343 adversely to the full committee. The motion passed. Rep. Rosenau voted NO to kill the bill.

A motion was made by Rep. Sutter and seconded by Rep. Webb to reconsider committee action on HB 2108. The motion passed. STANDING COMM. 3/4/87

A motion was made by Rep. Fry and seconded by Rep. Sutter for a proposed amendment to HB 2108. The motion passed. (Attachment 3)

A motion was made by Rep. Webb and seconded by Rep. Sutter to recommend HB 2108 to the full committee for favorable action. The motion passed. STANDING COMM. 3/4/87

Rep. Moomaw presented a balloon on HB 2237. Rep. Holmes asked for questions on HB 2237 and there were none.

Rep. Guldner made a motion and it was seconded by Rep. Sutter to accept the balloon on HB 2237. The motion passed. Attachment 4

A motion was made by Rep. Freeman and seconded by Rep. Acheson to report favorably HB 2237 to the full committee for favorable action. The motion passed. STANDING COMM. 3/4/87

Chairman Holmes adjourned the meeting at 4:15 p.m.

EDB INFORMATION SHEET

Ethylene dibromide (EDB) is an insecticide that has been widely used both as a nematicide in soils and as a fumigant for grain mills, equipment and warehouses. When used as a fumigant, EDB is generally mixed with a solvent such as carbon tetrachloride or carbon disulfide. EDB is toxic by inhalation, injection and skin absorption. It is also a carcinogen.

On September 28, 1983, the Environmental Protection Agency (EPA) issued an emergency suspension of the registration of EDB for use as a soil fumigant pursuant to Section 6 of the Federal Insecticide Fungicide and Rodenticide Act (FIFRA). This step prohibited the sale and distribution of the product for that use as of October 11, 1983. EPA further issued a 30-day notice of intent to cancel registration of EDB for use as a spot treatment of grain. The cancellation would become effective November 10, 1983. This cancellation banned the sale and distribution but allowed the existing stock to be utilized.

On February 3, 1984, EPA issued an emergency order immediately suspending all remaining registration for EDB and prohibiting the use of the product in any fashion.

Section 15 of FIFRA requires EPA to indemnify persons who suffer economic loss by cancellation or registration of a product. Section 19 of FIFRA requires EPA to accept pesticides which have been cancelled by the agency at a convenient location for safe disposal upon the request of the owner.

Subsequent to the suspensions noted above, EDB in the hands of sellers and users were shipped back to manufacturers and distributors to hold pending ultimate disposal by EPA. At the present time, EPA has established a treatment center for handling EDB at a plant in Liberty, Missouri. This plant is presently in the process of receiving EDB in storage from manufacturers and distributors across the country for treatment and disposal.

EPA has provided the Department of Health and Environment with a list of nine facilities in Kansas which presently have quantities of EDB in storage. All of the facilities have been inspected by the department. Storage of the chemical in all of these facilities has been found to be adequate. The department is in the process of working with EPA to encourage removal of the chemicals from these locations to the Liberty site as quickly as possible.

HOUSE RESOLUTION NUMBER _____

A RESOLUTION regarding safe handling and transportation of ethylene dibromide.

WHEREAS, Exposure to ethylene dibromide poses a substantial risk to human health and the environment; and

WHEREAS, Ethylene dibromide has been banned from sale and use by the U.S. Environmental Protection Agency; and

WHEREAS, Ethylene dibromide is being temporarily stored at various locations in Kansas pending ultimate disposal to be provided by the U.S. Environmental Protection Agency; and

WHEREAS, Local officials desire to know when ethylene dibromide is stored or transported within their jurisdiction: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we strongly encourage any persons or industries in possession of ethylene dibromide (EDB) to notify local public safety officials of the presence of EDB at their facilities and to cooperate with said local officials to protect public health and safety through the safe storage and transportation of said chemical.

Be it further resolved: That persons or industries in possession of EDB should notify local public safety officials two weeks prior to the transportation of EDB to ensure that adequate precautions may be taken to protect the public health and safety.

Proposed Amendment to HB 2108

On page 1, in line 35, following the period, by inserting "The prohibition against underground burial shall include both the temporary and permanent emplacement of hazardous or radioactive waste.";

STATE OF KANSAS

CARL D. HOLMES
REPRESENTATIVE 125TH DISTRICT
P O BOX 578
PLAINS, KANSAS 67869 0578



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HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER ELECTIONS
ENERGY AND NATURAL RESOURCES
LOCAL GOVERNMENT

Mr. Chairman:

The Subcommittee on Energy

recommends to the Standing Committee HB 2237

favorably for passage as amended.

Attachment 4