

Approved

Ken Grotewiel
Date 4/8/91

MINUTES OF THE HOUSE COMMITTEE ON ENERGY & NATURAL RESOURCES

The meeting was called to order by Representative John McClure at
Vice Chairperson

3:30 ~~xxx~~ p.m. on April 1, 1991 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Raney Gilliland, Principal Analyst, Legislative Research
Mary Torrence, Revisor of Statutes' Office
Pat Mah, Legislative Research
Lenore Olson, Committee Secretary

Conferees appearing before the committee:

Representative Ken Grotewiel
David Traster - Assistant Secretary & General Counsel, Department of
Health & Environment
Shaun McGrath - Kansas Natural Resource Council
Mary Ann Bradford - League of Women Voters of Kansas
Joyce Wolf - Kansas Audubon Council
Scott Andrews - Sierra Club, Kansas Chapter
Bill Franklin - Franklin Associates, Inc., Prairie Village
Chiquita Cornelius - Kansas BIRP
Wayne Probasco - Kansas Soft Drink Association
Gail Ederer - Executive Director, MidAmerica Glass Recycling Program
Karen Smith - Regional Manager, Procter & Gamble Company
John Torbert - Executive Director, Kansas Association of Counties
Frances Kastner - Kansas Food Dealers Association
Randall "Randy" Downing - Pepsi-Cola General Bottlers, Olathe
Neal Whitaker - Kansas Beer Wholesalers Association
Francis Fitzgerald - Council for Solid Waste Solutions, St. Paul, MN

Vice Chairperson McClure opened the hearing on HB 2605 and called upon Representative Grotewiel to give a background on this bill.

Representative Grotewiel explained that HB 2605 is a place to start on a comprehensive approach to the solid waste issue in Kansas. In this bill is a plan on how to proceed and for adequate funding to implement the plan. He stated that there is flexibility for each county because each county's situation is different. Also, market promotion and education are two important parts of this bill.

Chairperson Grotewiel continued the hearing on HB 2605.

David Traster, Department of Health and Environment, testified in support of HB 2605, stating that Kansas has reached a critical point in its solid waste management program. He also stated that KDHE continues to be concerned over the vulnerability of Kansas to the uncontrolled importation of out-of-state waste into Kansas communities. Mr. Traster recommended that this bill be studied by an interim committee. (Attachment 1)

Shaun McGrath, Kansas Natural Resource Council, testified in support of HB 2605 and commended the Committee Chairperson for introducing this bill. He said that this bill is a very aggressive and much needed attempt to alter the antiquated methods by which we manage solid waste disposal in Kansas. He also said that they feel the bill also contains important omissions and possible problems and recommended it be studied by an interim committee. (Attachment 2)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY & NATURAL RESOURCES,
room 526-S, Statehouse, at 3:30 ~~am~~/p.m. on April 1, 1991.

Mary Ann Bradford, League of Women Voters of Kansas, testified in support of HB 2605, stating that the broad-based components of this bill undergird the development of a sound and comprehensive solid waste management system in Kansas through local and state initiative. She also requested this bill be studied by an interim committee. (Attachment 3)

Joyce Wolf, Kansas Audubon Council, testified in support of HB 2605, stating that it is the most comprehensive of all the solid waste management bills that have been offered in this session, but there are several questions and deficiencies which need to be addressed. She requested the bill be studied by an interim committee. (Attachment 4)

Scott Andrews, Sierra Club, testified in support of HB 2605, stating that the Sierra Club has long favored a comprehensive approach to dealing with solid waste in Kansas. (Attachment 5)

Bill Franklin, Franklin Associates, Ltd, testified that he opposed in HB 2605 Section 8, Section 10, and Section 12. He stated that those three sections, while well intentioned as to objectives, at best would be burdensome on local government officials and on the industries and products that have been specifically targeted - specifically disposable diapers. Mr. Franklin also distributed other information on diapers. (Attachment 6) On file in the office of the Committee Chairperson is a booklet from Mr. Franklin titled "Energy & Environmental Profile Analysis of Children's Disposal and Cloth Diapers."

Chiquita Cornelius, Kansas BIRP, testified in opposition to HB 2605, stating that they believe this committee is being asked to rush to judgments that are not in the best interest of the citizens of Kansas. She also stated that more questions need to be asked and more research needs to be done. (Attachment 7)

Wayne Probasco, Kansas Soft Drink Association, testified that they are in favor of the concept of the solid waste plan in HB 2605, but are highly opposed to it in regard to the funding of the environmental tax as set forth in Section 10. He stated that the soft drink industry is being discriminated against. (Attachment 8)

Gail Ederer, MidAmerica Glass Recycling Program, testified in opposition to HB 2605, stating that the general tone of this bill is negative and many sections are clearly discriminatory. She said that the bill taxes certain beverage containers; a blow to the very industry that has shown some of the greatest successes in recycling. (Attachment 9)

Karen Smith, Proctor & Gamble, testified in opposition to HB 2605, stating that they are especially concerned by the provisions which single out a few segments of the waste stream for taxation, such as the tax on disposable diapers. She requested to be involved in an interim study, if there is one. (Attachment 10)

John Torbert, Kansas Association of Counties, testified in opposition to HB 2605, stating that although he admires the legislation for its boldness and scope, it is a proposal that, on paper, has some very unattractive features. (Attachment 11)

Frances Kastner, Kansas Food Dealers Association, testified in opposition to HB 2605. She questioned the one cent "Environmental Tax" and requested to be included in any possible interim study on this bill. (Attachment 12)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY & NATURAL RESOURCES,
room 526-S, Statehouse, at 3:30 a.m./~~p.m.~~ on April 1, 1991

Randy Downing, Pepsi-Cola General Bottlers, testified in opposition to HB 2605, stating that its funding provision is an unfair tax on their packaging. He suggested that they want to work with this committee to develop legislation that is comprehensive yet fair to all who contribute to the solid waste stream in Kansas. (Attachment 13)

Neal Whitaker, Kansas Beer Wholesalers Association, testified in opposition to HB 2605, stating that costs for solutions to solid waste disposal should be borne across the entire population and not focused on the industry which has played a leading role in the recycling effort. He said that he would like to work with an interim committee. (Attachment 14)

Francis Fitzgerald, Council for Solid Waste Solutions, testified in opposition to HB 2605. He said that the definition of "plastics" in the bill needs clarification. Plastic fingernail polish containers are difficult to recycle cost-wise. The focus of a comprehensive bill should be on major items that are in the waste stream. He cautioned against mandatory recycling initiatives, said that markets should be in place before implementing recycling, and stated that the funding mechanism is the hardest part of solid waste waste legislation. Mr. Fitzgerald provided a phone number, 1-800-2HELP90 (soon to be 1-800-2HELP91) for those who are looking for markets for their plastic recyclables.

Written testimony on HB 2605 was provided by:

Kevin Tipton, Distilled Spirits Council of the U.S. (Attachment 15)

Sue Starkebaum, Glendale Manor (Attachment 16)

Luke Schmidt, National Association for Plastic Container Recovery
(Attachment 17)

The Chair concluded the hearing on HB 2605 and directed the Committee to turn to HR 6027.

A motion was made by Representative Thompson, seconded by Representative Webb, to amend HR 6027 to change the date on line 12 from January 1, 1992 to January 1, 1993. The motion carried.

A motion was made by Representative Freeman, seconded by Representative McKechnie, to add to HR 6027 language in the Resolution to include "all interested parties." The motion carried.

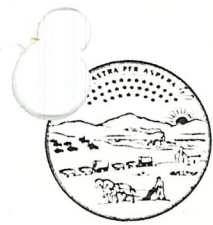
A motion was made by Representative Thompson, seconded by Representative Stevens, to pass HR 6027 favorably as amended. The motion carried.

The meeting adjourned at 5:20 p.m.

COMMITTEE: _____

DATE: 4/1/91

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Mary Neubauer	Topeka	Assoc Pres.
Mike Beaman	Topeka	Ks. Lvstkr Assn
Tom Burgess	Topeka	KSDA
Whitney Damon	Topeka	DISCUS
STEVE KEANEY	"	WASTE MANAGEMENT
Bill Franklin	8017 Fontana Prairie Village KS	Franklin Associates
Dan Paul	City KCK	City of KCK
RANDY DOWNING	OLATHE KS	PEPSI COA GEN. BOTTLES
Brian Leugs	Wash. DC	Soft Drink Assoc.
Velma Paris	Topeka	Sh. Co.
Shawn McGrath	"	KWRC
FRANCIS FITZGERALD	332 MINNESOTA ST E-916 ST PAUL MN 55101	COUNCIL FOR SOLID WASTE SOLUTIONS
WAYNE PROBASCO	topeka	Ks SOFT DRINK ASSN
CAROL O'Donnell	Topeka.	7UP Bottling Co. of Topeka
Chuck Wilson	Topeka	7up Bottling Co of Topeka
Neal Whitaker	Topeka	Ks Beer Wholesalers
Mary Ann Perry	Topeka	Nursing Home Industry
Lois Steinhilberbaum	Topeka	Nursing Home Industry
DAN L. HODGES	Lenexa Ks.	Mil Portent Bottles
BOB STRATHMAN	GENEVA KS	DA PEPPER BOTTLING
MIKE PLEDGER	WICHITA	COCA-COLA
DAN D'AGOSTA	Topeka	Pepsi-Cola
Paula Freutken	topeka	League of Ks Municipalities
Denny Burgess	Topeka	Kansas Soft Drink & Co.
Scott Andrews	"	Siofa Club



State of Kansas

Joan Finney, Governor

Department of Health and Environment

Office of the Secretary

Stanley C. Grant, Ph.D.,
Acting Secretary

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Testimony presented to
The House Committee on Energy & Natural Resources
by
The Kansas Department of Health and Environment
House Bill 2605

KDHE applauds those concepts in House Bill 2605 that begin to address the solid waste issue in Kansas in a comprehensive manner. Recent legislative sessions have resulted in attempts to approach solid waste issues in Kansas in a fragmented manner; addressing only a few limited segments of the solid waste stream. House Bill 2605 provides a snapshot of many of the larger and more complex issues that surround a technically integrated and coordinated approach to solid waste management. Past practices can be compared to attempting to lay bricks before laying the foundation.

Kansas has reached a critical point in its solid waste management program. Solid waste management issues have captured the immediate attention of the public. The public wants to be involved in solid waste issues and expects state government to provide these opportunities through guidance, leadership, and responsibly-funded state and local solid waste programs. Unfortunately the State of Kansas has not responded to these needs in recent years and the state's solid waste plan is in great need of update. Over the past two years, the Kansas Solid Waste Advisory Task Force studied many solid waste issues and identified a number of critical needs. The Task Force report also recommended a series of actions. In response to these recommendations, State government in Kansas must begin to prepare itself to provide leadership to local governments, private industry (those engaged in producing and distributing goods and services as well as the waste management industry) and the citizenry to transfer these needs into goals, and these goals into accomplishments. Solid waste management practices affect every individual and involve issues in which individuals can make positive contributions to the solutions.

Pending revisions in the federal solid waste landfill standards, subsequent increases in landfilling costs, and filling and closure of existing landfill sites will stress the ability of county governments to provide and finance necessary disposal services. Congress continues to plan to re-authorize the Resource

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Attachment 1
Lorne Phillips, Ph.D.,
Director of Information
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Roger Carlson, Ph.D.,
Director of the Kansas Health
and Environmental Laboratory
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Conservation and Recovery Act in 1991. Undoubtedly, the re-authorization will contain and define national waste reduction and recycling goals.

In response to these new public demands and the Task Force recommendations, KDHE must be provided with the resources to upgrade its solid waste management efforts and in doing so to update the states' overall solid waste plan including additional local planning efforts. The local plans are the mainstay of the state plan. Staffing levels must increase significantly. We currently have three professional staff in this program compared to 28 in Missouri and 33 in Iowa.

KDHE continues to be concerned over the vulnerability of Kansas to the uncontrolled importation of out-of-state waste into Kansas communities. Because Kansas has a large number of operating landfills, unusually low landfill fees, and an out-dated state solid waste management plan, the potential for problems in this area is very high. Repeatedly, the nation's courts have ruled that while states cannot prohibit the importation of waste, they are being allowed to hold importers to the same standards that they have established for their in-state waste generators as codified in their state planning requirements. The need for an updated, progressive and well funded state program is, therefore, accentuated. House Bill 2605 provides some insight into these issues but does not address this problem fully.

KDHE recommends that the many complex issues raised by this legislation be studied in order to arrive at a complete and fully comprehensive revision to the Kansas Solid Waste Plan.

Testimony presented by: David M. Traster
Assistant Secretary and General Counsel
Kansas Department of Health & Environment
April 1, 1991

Kansas Natural Resource Council

April 1, 1991

Testimony before the House Energy and Natural Resources Committee

Re: HB 2605 Concerning Solid Waste Management

From: Shaun McGrath, Program Director

My name is Shaun McGrath, and I represent the Kansas Natural Resource Council, a private, non-profit, organization which advocates sustainable resource policies for the state. Our membership is over 850 statewide.

KNRC commends the Committee Chairperson for introducing this bill. It is a very aggressive and much needed attempt to alter the antiquated methods by which we manage solid waste disposal in Kansas. The bill addresses many important aspects of solid waste management, including:

- * local planning
- * disposal site selection and permitting
- * transportation of wastes
- * compostable wastes (yard wastes)
- * recyclable wastes (aluminum, plastic, CFC's, commercial wood, paper packaging used for wholesale, glass, tires)
- * hazardous wastes and wastes which do not decompose (CFC's, plastic, household hazardous wastes, batteries, diapers)
- * tipping fees
- * taxes on certain products
- * curbside recycling
- * household hazardous waste programs
- * education

Although there are many positive issues addressed in the bill, we feel the bill also contains important omissions and possible problems.

KNRC strongly believes comprehensive solid waste management laws are needed in Kansas. We encourage the Committee to send this bill, as well as the many other bills introduced this session concerning various aspects of solid waste management, to an interim committee. With deliberate study, and the input from the Commission on Recycling, Waste Reduction, and Market Development, and KDHE's Solid Waste Advisory Task Force, we are confident that a bill can be constructed which will have more universal support, and which will more effectively meet the objectives for comprehensive solid waste management.



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Attachment 2

LEAGUE OF WOMEN VOTERS OF KANSAS
LWVK

TESTIMONY BEFORE THE HOUSE ENERGY AND
NATURAL RESOURCES COMMITTEE ON HB 2506, CONCERNING
SOLID WASTE MANAGEMENT PLANS AND FEES
PRESENTED ON APRIL 1, 1991

Mr. Chairman and Members of the Committee:

I am Mary Ann Bradford, Natural Resources Coordinator, for the League of Women Voters of Kansas. For several years, League members and local Leagues in Kansas have been participating actively in community and/or state task forces or committees to improve solid waste management. Currently, as a League member, I am serving as chairperson of the Shawnee County Solid Waste Management Advisory Committee.

The broad-based components of HB 2506 undergird the development of a sound and comprehensive solid waste management system in Kansas through local and state initiative. The League endorses conceptually the following provisions:

- o updating of local plans and the state plan to include waste reduction, reuse, and recycling as well as final disposal
- o regionalization of processing, treatment and landfill operations to contain costs, to improve waste management procedures, and to reduce the number of operations around the state
- o financing mechanism to assist cities and counties in updating as well as implementing their solid waste management system
- o setting target dates or deadlines for compliance with waste reduction requirements

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- o attention to the bulky items and toxic materials in the community waste stream that generally require special handling

- o public education to aid consumer understanding about the effects that their purchases can have on their health and the environment.

As with any first attempt at a thorough bill, there are some provisions of HB 2506 that need clarification and modification. For example, is the definition of "solid waste disposal area" intended to include demolition and/or construction landfills as well as sanitary landfills and dumps? There certainly seems to be a need to regulate more effectively demolition and construction landfills and to encourage reuse of such materials whenever possible.

Another concern is the deadline for prohibition of white goods which are waste products that currently do not have a reuse or market value and, therefore, are dead end items.

New Section 9. provides for a state surcharge to be used as motivational funds for eligible counties but does not include the amount of the state surcharge nor the process for administering the assistance program.

Also, the inclusion of educational requirements for disposable diapers for infants and children should be expanded to include adults for there are many who have bladder and bowel incontinence and use disposable diapers.

Because of the identified need for an updated and comprehensive solid waste management system for local governments and the state, and the number of other bills* introduced in this legislative session that bear on solid

*HB 2027, 2097, 2354, 2471 and SB 46

introduced in this legislative session that bear on solid waste management, the League would urge your support of an interim study and development of a revised bill. The League would be willing to assist in this effort.

Thank you.

League of Women Voters of Kansas
919 ½ So. Kansas Ave.
Topeka, KS 66612
913/234-5152



Kansas Audubon Council

HB 2605

April 1, 1991

House Committee on Energy and Natural Resources

As the legislative liason for the 5000 Kansas members of the National Audubon Society, I am pleased to be here today to voice our support for the concepts and intent of HB 2605.

This bill is the most comprehensive of all the solid waste management bills that have been offered in this session. It provides mechanisms for planning, funding, and implementation of solid waste management programs in cities, counties, or groups of counties in Kansas. The Kansas Audubon Council supports HB 2605 because it:

- 1) provides flexibility to cities, counties, or groups of counties to formulate and implement a solid waste management system because it gives them the opportunity to select from options that have a variety of schemes for waste reduction and recycling,
- 2) provides funding mechanisms from a set of taxes and/or surcharges,
- 3) sets up guidelines for the composition of county solid waste management committees, and dilineates their duties,
- 4) establishes solid waste management plan requirements including an educational component,
- 5) gives the secretary of KDHE the authority to establish rules and regulations, standards and procedures to manage solid waste in the state,
- 6) establishes guidelines for the use of glass containers,
- 7) provides for the purchase of retreaded tires for state vehicles, and
- 8) provides penalties for littering.

Although this bill sets up guidelines for the comprehensive management of solid waste, we do believe that there are several questions and deficiencies in the bill which need to be addressed including:

- 1) inclusion of the mention of the hierarchy of solid waste management in plan requirements,

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- 2) clarification of the swm planning committee composition,
- 3) examination of whether cities should also be required to have planning committees,
- 4) consider making option one available to groups of counties,
- 5) clarification of who actually controls the disbursement of surcharge moneys,
- 6) clean-up of the language concerning retreaded tire purchases, and
- 7) inclusion in the bill for part of the taxes/surcharge moneys be allocated to the department to provide funding for additional staffing needed to implement the bill.

Because HB 2605 contains several important policy and concept provisions in regard to solid waste management, we believe that at this time it would be advantageous to have it be studied by a special committee during summer interim, as well as ask for a review of it by the Solid Waste Management Advisory Task Force, and the State Commission on Waste Reduction, Recycling, and Market Development. This will give ample time to thoroughly examine it in its entirety, and allow those persons serving on these committees to make recommendations for any necessary changes.



SIERRA CLUB

Kansas Chapter

Testimony to House Energy and Natural Resources

H.B. 2605 - Comprehensive Solid Waste Bill

I am Scott Andrews representing the Kansas Chapter of the Sierra Club. We strongly support H.B. 2605. The Sierra Club has long favored a comprehensive approach to dealing with solid waste in Kansas.

This bill brings together the many aspects of the solid waste problem, from landfills to recycling to tipping fees. It also, I believe, addresses some of the concerns that small communities and rural counties have had about being required to meet regulations designed for more urban areas. H.B. 2605 gives incentives and technical assistance for programs such as recycling, but allows for local decisions on specific options and approaches.

We believe the balanced approach of this bill provides a framework which will allow Kansas to truly begin dealing with solid waste management in our state.

The Sierra Club urges your support of H.B. 2605.

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TESTIMONY OF
William E. Franklin
BEFORE THE HOUSE ENERGY AND
NATURAL RESOURCES COMMITTEE
ON HB 2605

April 1, 1991

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My name is William E. Franklin, I am Principal, Franklin Associates, Ltd., Prairie Village, Kansas. Our company is in its 17th year. We are known nationally and internationally for our independent work in the field of solid waste management. I have personally been involved in solid waste management consulting for 23 years. A brief background on Franklin Associates, Ltd. (FAL) is attached to this testimony.

I am also a member of the Kansas Commission on Waste Reduction, Recycling, and Market Development as provided by S.B. 310 in 1990. However, I do not appear here as a representative of the Commission.

I also bring local government experience because I was mayor of Prairie Village from 1973 to 1979 and a Johnson County Commissioner from 1983 to 1989. There are county and city government responsibilities in HB 2605 that I may be able to comment on as a former elected official.

My firm and/or myself provided assistance to Lenexa and Prairie Village (pro bono) and to Overland Park in developing their curbside recycling programs.

Finally, FAL conducted an integrated solid waste management planning effort for the Big Lakes Regional Council in 1989, which included Clay, Geary, Marshall, Pottawatomie, and Riley Counties. An integrated system including recovery of recyclables, composting, and development of a regional landfill was recommended for the five-county area. A regional solid waste management agency/authority was proposed to implement the integrated system.

My comments on H.B. 2605 are directed principally at Section 8, Section 10, and Section 12.

Those three sections, while well intentioned as to objectives, at best would be very burdensome on local government officials and on the industries and products that have been specifically targeted. Further, they would accomplish little with respect to actual waste reduction, diversion, or recycling. There seems to be no basis of development of independent facts that would support any of the specific provisions of these sections.

My specific comments will be directed at those sections relating to disposable diapers because Franklin Associates has carried out extensive environmental analysis of disposable and cloth diapers in the last two years.

The sections I refer to are Section 8(f) Education Requirements subsections 3 and 4: and Section 10(a) Tax Rate subsection 2.

These sections are worded in the bill as follows:

"(3) To ensure that consumers, particularly new parents, are educated as to the solid waste problems caused by disposable diapers, each county shall require all hospitals within the county to distribute to new parents a consumer affairs pamphlet that discusses the environmental disadvantages of disposable diapers.

(4) To ensure that child care centers are aware of the environmentally unsound practice of prohibiting the use of cloth diapers in child care centers, each county shall provide educational training for all child care facilities with the county on how, why and when to allow the use of cloth diapers. Consistent with the state's educational goals concerning disposable diapers, no child care facility may prohibit the use of cloth diapers, subject to rules and regulations of the secretary of health and environment.

(e) Surcharge in addition to other fees or taxes. The surcharge imposed by this section shall be in addition to any other fee or tax imposed for solid waste disposal at a solid waste disposal area.

(2) On the sale at wholesale of disposable diapers, \$.01 per diaper sold."

Franklin Associates has carried out what we call a Resource and Environmental Profile Analysis of Childrens' Disposable and Cloth Diapers. The technique is to look at the energy requirements and release of pollutants to the air, water, and land from the point of extraction of raw materials through the use and final disposal of the product.

The results of this work are interesting because they are somewhat surprising. They also bring into question some of the unsupported conclusions in the sections of the bill I mentioned.

Here are some salient points I would make for your consideration:

- Both cloth diapers and disposable diapers create environmental consequences.
- Disposable diapers are indeed most prominent in the local community as solid waste. However, diaper makers have also directed their attention to more useful disposition, i.e., composting of diapers and other readily degradable materials.
- Cloth diapers go through repeated washings as you are well aware. However, the use of energy, release of waterborne wastes and air pollutants, and the use of water for the washing cycle exceeds that of the disposable diapers for equivalent usage. Consider that

these environmental consequences are in the local community as well, then it becomes unclear which product could be designated as most "environmentally friendly."

If any education is to be provided to consumers and especially new parents, it should be balanced and include both disposable and cloth products not just "disadvantages" of disposable diapers.

Also, there are significant health consequences for the use of these products in day care centers which I am not qualified to address. However, recently released independent work has found the disposable diaper to perform more satisfactorily from the standpoint of protection of the health of diapered children and day care workers.

Finally, in our work we have not attempted to identify environmental "villains" or "winners and losers." Both diapering options have environmental consequences. Both should undergo improvements; disposable diapers are being improved. Neither should be singled out in the negative way that HB 2605 does for disposable diapers.

The section calling for an environmental tax on numerous items, including diapers, appears to be equally misdirected. There is much more to managing solid waste than selectively taxing minor components of solid waste, especially those that are largely innocuous anyway (contain no identifiable hazardous or toxic materials). Revenue raising efforts should be broad based and non-selective if they are to be used.

An example is a disposal surcharge on all solid waste delivered for disposal to a disposal facility.

Thank you for the opportunity to provide input.

I have included as attachments, two other items relating to diapers for your reference.

Attachment



FRANKLIN ASSOCIATES, LTD.

CHILDREN'S DISPOSABLE AND CLOTH DIAPERS

by Franklin Associates, Ltd.

Summary - All diapering options—cloth and disposable diapers—have some environmental and energy effects. The results of this study illustrate the importance of inventorying the broad range of environmental discharges and energy and water requirements of products rather than focusing on only one aspect.

Introduction

Since the early 1970s, energy and environmental awareness among industry, government and the general public has grown significantly. As a result, understanding energy and environmental data regarding products, packages and materials has become important to decision and policy makers.

The purpose of this study is to thoroughly quantify the energy and water consumption and the release of waste to the environment through a product's life cycle for children's disposable and cloth diaper systems. The analysis involves all steps in the life cycle of each diaper, including extraction of raw materials from the earth, processing these materials into usable components, manufacturing the product, distribution of the product, use and reuse of the product and final disposition of the product (whether recycled, incinerated, or landfilled).

The analysis not only includes the diapers themselves, but also the diaper packaging, plastic pants, detergents, etc. This report quantifies the energy and water requirements, solid wastes, atmospheric emissions and waterborne wastes released to the environment by the three diaper systems.

Key Findings

The following conclusions were reached regarding the energy and water consumption and the environmental releases for 1000 children's diaperings:

Energy	Home laundered cloth diapers consume more energy than disposable or commercially laundered cloth diapers.
Water Usage	Home or commercially laundered cloth diapers consume more water volume than disposable diapers.
Waterborne Wastes	Home or commercially laundered cloth diapers produce more waterborne wastes than disposable diapers.
Solid Waste	Disposable diapers produce more solid waste than home or commercially laundered cloth diapers.
Atmospheric Emissions	Home laundered cloth diapers produce more atmospheric emissions than disposable or commercially laundered diapers.

Basis for Comparison

Three diaper systems were examined: 1) the disposable diaper with absorbant gelling material; 2) commercially laundered cloth diapers; and 3) home laundered cloth diapers. The energy and water consumption and the environmental releases of these three diaper systems are analyzed on an equivalent use basis. Because of slightly more frequent changes, as well as the use of double or triple cloth diapers, the actual number of cloth diapers exceeds one per equivalent disposable diaper change. For this study, a market analysis showed a ratio of 1.79 cloth diapers used to one disposable diaper. Therefore, 1000 diaperings would use 1000 disposable diapers and 1790 cloth diapers.

Franklin Associates, Ltd.

Franklin Associates, Ltd. (FAL) is an independent consulting firm specializing in municipal solid waste issues. FAL is particularly well known for its work in product life cycle quantification methodology—a methodology developed by principals of Franklin Associates nearly 20 years ago. Franklin Associates has been performing these analyses for 16 years.

The FAL technical staff, which includes both engineers and scientists, is well known for work in waste characterization, recycling, and integrated solid waste management studies as well as product life cycle analysis.

Study Funding

Funding for this study was provided to Franklin Associates by the American Paper Institute to provide an objective evaluation of the energy and water consumption and the environmental releases of the three diapering systems: cloth diapers washed at home, commercially laundered cloth diapers, and today's disposable diaper.

For further information, contact:

Jere D. Sellers or
William E. Franklin
Franklin Associates, Ltd.
4121 W. 83rd Street, Suite 108
Prairie Village, KS 66208

(913) 649-2225



Kansas Business and Industry Recycling Program, Inc.

2231 S.W. Wanamaker Rd., Suite 200, Topeka, KS 66614 (913) 273-6808 FAX: (913) 273-2405



Statement respectfully submitted before the House Energy and Natural Resources Committee in Opposition to HB 2605.

Mr. Chairman and Members of the Committee:

I am Chiquita Cornelius, Executive Director of the Kansas Business and Industry Recycling Program (Ks BIRP). I am also serving on the Shawnee County Solid Waste Management Advisory Committee, recently established by the Shawnee County Commissioners, which is giving me some first hand experience at developing a solid waste management plan at the county level.

Ks BIRP wants to commend the Chair for bringing forth a bill with the concept or idea of a comprehensive solid waste management plan and indicate to you we are very supportive of that concept.

Developing a comprehensive plan to address solid waste is extremely difficult for the issue is very complex, the solutions very diverse.

Over the past 10 years I have had the privilege of creating, organizing and implementing numerous programs which relate to this issue. In particular the past 2 years I have spent a great deal of time working with the solid waste task force in various communities.

The urgency to address this issue varies greatly across our state. We have Riley County where EPA has mandated the landfill be closed versus Ford County where they have a landfill with an

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Attachment 7

estimated 75 year life. We believe New Section 8 - County Options was an attempt to recognize these differences but we suggest a great deal more time needs to be spent on developing these options. We accomplish nothing if the options presented are so far reaching that they are doomed to fail from the outset.

Certainly education is an extremely important component if we are to be successful in garnering public support to participate in these new programs and be willing to fund them but it needs to be more broad based than suggested in this bill. We believe when you inform or educate all information available needs to be distributed not limit it to single issues or specific sides of an issue. We suggest that training all residents rather than informing them is entirely to broad a charge to place on the counties.

Funding, who pays? We have indicated our support for a surcharge in testimony before an interim committee a year and a half ago. All of us are generators of solid waste, therefore, all of us need to pay our fair share rather than placing a financial burden on consumers of specific products. We believe a surcharge can be levied both by the state and counties to generate the funding needed. Shawnee County has already used this avenue to generate funds for environmental programs effective January 1 this year. I'm not sure the programs we are developing in Shawnee County can meet the requirements of either County Option 1 or 2 and I am unclear as to whether the language in this bill prohibits the use of these funds if we do not meet the states requirements as stated in New Section 8.

Basically, we believe this committee is being asked to rush to

judgements that are not in the best interest of the citizens of Kansas. More questions need to be asked. More research needs to be done.

As we have stated earlier we are supportive of a comprehensive plan and we are willing to assist and participate in developing such a plan.

KSDA

KANSAS SOFT DRINK ASSOCIATION
615 S. TOPEKA BOULEVARD
TOPEKA, KANSAS 66603
PHONE: 913-354-7611

Officers
As of Nov. 15, 1990

Ron Richardson
President
Coca-Cola Bottling Co.
P. O. Box 365
Wichita, KS 67201
(316) 682-1553

Wayne Probasco
Executive Secretary

Bill Clay
Vice-President/Treasurer
Coca-Cola Mid-America
Lenexa, KS 66215

Randy Downing
Secretary
Pepsi-Cola General
Bottlers, Inc.
Olathe, KS 66061

Laurent C. Debaugé
Ex-Officio
Coca-Cola Bottling Co.
of Emporia, Inc.

Directors
Term Expires 1991

Robert Strathman
Dr. Pepper Bottling Co.,
Seneca, KS

H. Arnold Wassenberg
Pepsi-Cola Bottling Co.,
Manhattan, KS

Directors
Term Expires 1992

Dan L. Hodges
Mid-Continent Bottlers,
Lenexa, KS

Greg Lyon
Pepsi-Cola Bottling Co.,
Wichita, KS

Charles Wilson
7-Up Bottling Co.
of Topeka, Inc.

DATE: April 1, 1991

SUBJECT: Hearing before the House Energy and Natural Resources Committee regarding House Bill No. 2605, AN ACT concerning solid waste management and fees and taxes related thereto

Chairman Grotewiel and Members of the House Energy and Natural Resources:

My name is Wayne Probasco. I represent the Kansas Soft Drink Association.

With regard to House Bill 2605, the Association is strongly in favor of a comprehensive solid waste and recycling plan. The Association is in favor of the concept of the solid waste plan in this bill, but the Association is highly opposed to this bill in regard to the funding of the environmental tax as set forth in Section 10. The tax set forth therein applies to only a very few of the products that comprise solid waste. The soft drink industry feels that it is being discriminated against by being one of the few to pay the burden.

Few issues are of more importance to the nation and the citizens of Kansas than solid waste management. Source reduction, recycling and land filling are all important in successful solid waste management.

No industry in this country is more experienced or successful in the recycling of its products than the soft drink industry. All soft drink containers are recyclable and none ever need to be incinerated or land filled. Our industry participates in many recycling projects across the country. The soft drink industry and solid waste management are much broader than merely Kansas. On that basis, it is our firm belief that successful solid waste management requires comprehensive, multi-material and long term solutions.

One statistic that I saw was that all beverage containers comprise less than 5% of our nation's solid waste stream. Soft drink containers about 1.9%. The EPA has estimated that a national bottle bill might reduce the solid waste going to landfills by about 2%.

A solid waste and recycling program for the State will cost money. The Soft Drink Association is willing to pay its fair share but it does not expect to pay such a large percentage that it is being discriminated against.

You have heard for many years that we are living in a "throw-away society". As we all know, this is true. Every company, every business, every person contributes to the trash problems, certainly some more than others, but everyone contributes to the problem. It certainly is not fair to single out the soft drink industry to pay for what is caused by everyone.

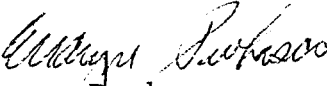
In this regard, we do reiterate that we are in favor of the State adopting a comprehensive solid waste and recycling plan. Also, we recommend that the funding for that plan be participated in by everyone who is a part of the problem.

We are not recommending, but do call to your attention the fact that the Legislature of the State of Missouri did last year pass a solid waste management law. Attached hereto and made a part hereof is a summarized copy of that bill. It is interesting to note that the funding for this bill, which is located on page 2, third paragraph, provides for a landfill fee. It was reasoned that the people that use the landfill are the persons who are causing the problem, which would encourage recycling and keeping items out of the landfill.

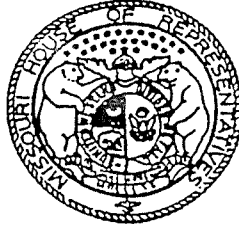
No doubt there are other ways and methods to fund such a law.

The soft drink industry has been very active in recycling and solid waste management. We have persons in the industry who are very knowledgeable in this area. We would be very happy to cooperate and assist this committee or any other group in preparing a solid waste management law for the State of Kansas.

Respectfully submitted,


Wayne Probasco

DK DOUGHERTY
67th DISTRICT
Capitol - Room 303
Jefferson City, MO 65101
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MISSOURI
HOUSE OF REPRESENTATIVES

CHAIRMAN
ENERGY & ENVIRONMENT COMMITTEE

Vice Chairman
Environment Committee
National Council of State Legislatures

OMNIBUS SOLID WASTE MANAGEMENT LAW
SENATE BILL 530 (LR 2423-10)
TRULY AGREED AND FINALLY PASSED MAY 17TH
SUMMARY

GENERAL PURPOSE -- County cooperation and local responsibility to achieve 40% weight reduction in solid waste by 1998 thru recycling, resource recovery, minimization, and market development; reduce household hazardous waste in waste stream; and plan for area's solid waste management needs.

SWM REGIONS -- DNR required by March 1991 to divide state into Regions. DNR shall consult with county govts on boundaries and hold public meeting in each proposed Region. County may request being placed in another Region but must meet criteria. Final boundaries due June 1991.

REGION MAY HAVE A SWM DISTRICT -- One or more counties within a Region may form the District by 1) adoption of ordinance by county govt(s) or 2) county voters may petition for public vote.

MANAGEMENT OF SWM DISTRICT -- Shall be governed by 1) Council consisting of city (one member per each city over 500 pop) and county (two members per county) govt officials or 2) other organization decided on by county govt(s) involved. Under either form, must have Executive Board to recommend SWM Plan, assure adequate capacity to manage remaining waste stream, review and comment on certain permit applications before DNR, identify illegal dumps to county prosecutor and DNR, appoint advisory group of commercial waste generators-SWM industry-general public, establish SWM education, and provide procedures to minimize household hazardous waste from waste stream. Persons with certain financial interests may not serve on governing body or Board.

EACH DISTRICT OR COUNTY SHALL HAVE A SWM PLAN --

- *Account for areas with current SWM systems.
- *Provide extended services suited to District or county needs.
 - Least damage to water and air.
 - Prevents public nuisances or health hazards.
 - Promotes recycling and reduced waste volume.
- *Specify how District or county will reduce landfilled waste, including timetables and goals.
- *Address management of plastic beverage, aluminum, glass and steel containers, newspaper and whole tires.
- *Specify collection of, or collection points for, recyclables & compostables.
- *Establish public education on SWM.
- *Specify reduction of household hazardous waste from landfill.



MODEL SWM PLANS -- DNR shall prepare model Plans suitable for rural and urban areas. Due Dec 1991.

DISTRICT TO SUBMIT SWM PLAN-WHEN -- Within 18 months of District's formation.

COUNTY NOT IN DISTRICT BY 1995 -- Submit own Plan by June 1995.

✓ LANDFILL FEE FOR SWM FUND -- Beginning Oct 1990 solid waste landfills shall collect \$1.50 per ton and demolition landfills shall collect 50 Cents per ton (or 10% gross receipts) which, less collection cost (not to exceed 2% of fee collected), shall go to SWM Fund. Transfer stations shall collect \$1.50 per ton fee on waste transported out of state for disposal. Beginning Oct 1992 fees shall be adjusted annually by same % increase in general price level, U.S. Labor Dept Consumer Price Index. DNR may examine landfill or transfer station records to verify collection.

SWM FUND DISTRIBUTION -- Beginning FY 92.

\$1 Million for market development (DNR & Eco Devo) each year FY 92-97.

Of remaining funds-

Up to 10% for illegal dumping investigation and prosecution.

Up to 15% for DNR to administer program.

Up to 25% for grants by DNR to SWM operators who recycle (remove aluminum, glass, steel, plastic & newspapers from waste delivered to landfill).

At least 25% for grants by DNR to cities, counties and Districts to carry out Plans. Of revenue/fees generated from within a Region-

grants up to 60% for the District and 40% for the cities and counties in District.

Remaining funds for grants or loans by DNR for SWM projects by cities, counties, Districts, persons, entities involved in waste reduction or recycling.

GRANT PROCESS -- DNR in conjunction with SW Advisory Board shall set criteria and review performance. DNR may audit records to verify. Grants to local govt shall be used in addition to existing funding, not in lieu.

SOLID WASTE ADVISORY BOARD -- Exec Board Chairs and two citizen members shall advise DNR on problems of Districts, evaluate DNR's technical assistance, recommend grant criteria, comment on Rules.

SOURCE REDUCTION ADVISORY BOARD -- DNR director shall establish Board of not less than nine members including director, product packaging rep, consumer rep, reps from paper-glass-aluminum industries, environmentalist, beverage industry rep, and retail rep. Board to submit report within one year recommending program to reduce amount of packaging in waste stream, maximize recycling and reuse, discourage use of toxic materials, and reduce litter. Board shall take into account cost, convenience, and safety of packaging; availability of alternatives; and environmental impact. Terminates upon submission of report.

UPDATES TO HB 438 FROM 1989-- Plastic Container Recycling Label-
DNR may modify codes/create new codes for technological changes.
State Procurement Policy- Strengthens law regarding required % of recycled paper under Office of Administration contract specs.

LA ALL DISPOSAL PROHIBITIONS --

- Jan 1991 - Lead acid batteries (defined).
 - Major appliances (defined).
 - Waste oil.
 - Whole waste tires (defined). But may be landfilled after being cut, shredded or chipped.
- Jan 1992 - Yard Waste (defined).
- Jan 1994 - Small quantities of hazardous waste.

WASTE OIL MAY NOT BE BURNED WITHOUT ENERGY RECOVERY -- Beginning Jan 1991. May still be collected for refinement and fuel use.

SMALL QUANTITIES OF HAZARDOUS WASTE -- Prohibited from landfills after Jan 1994. Penalty is Infraction (Fines: up to \$200-person, up to \$500-corp). DNR shall ensure safe collection and disposal and that such disposal is available to small quantity generators.

NEWSPAPER RECYCLING TARGETS AND EXCEPTIONS -- Beginning Jan 1994 newspapers (daily distribution of more than 15,000 copies) shall meet requirements of target recycled content, obtain a variance from DNR, or face civil penalty (\$100 per day, per violation). Variances shall be granted when newspaper explains why target not met. Target recycled content is 10%-1993, 20%-1994, 30%-1995, 40%-1996, 50%-2000.

LEAD ACID BATTERY DISPOSAL -- Beginning Jan 1991 used lead acid batteries (defined) shall be disposed only by delivery to permitted recycling facility or secondary lead smelter, or agent of wholesaler or manufacturer for delivery to smelter. Banned from landfills by that date. Improper disposal a Class C Misdemeanor (Jail: up to 30 days & Fines: up to \$300-person, \$1000-corp). Each battery a separate violation. Retailers or wholesalers selling batteries shall accept used ones from customers (one used for one new). DNR shall provide signs regarding recycling and shall monitor compliance, issue citations. Failure to post note an Infraction (Fines: up to \$200-person, \$500-corp).

TIRE DISPOSAL -- Regulation of waste tires (defined) is established including permits waste tire sites and transportation. Whole tires prohibited from landfills as of Jan 1991. For landfill disposal, tires must be cut, chipped or shredded. Unlawful disposal a Class C Misdemeanor (Jail: up to 30 days & Fines: up to \$300-person, \$1000-corp) and subsequent violations are Class A Misdemeanor (Jail: 1/2-1 yr & Fines: up to \$1000-person, \$5000-corp). DNR may go in and clean up and have attorney general file suit to recover cost. Tires may be used for soil erosion or cover for agricultural products. Salvage dealers may bury, as storage, up to 500 of own tires if cut, chipped, shredded for maximum of 30 days. Dept Highways shall do pilot project using recovered tire rubber for highway improvement.

NEW TIRE FEE FOR CLEAN-UP & MARKET DEVELOPMENT, SWM EDUCATION -- Beginning Jan 1991 a 50 Cent fee per new tire shall be collected for the SWM Fund. Shall be used by DNR for 1) removal of tires from illegal dump sites or resource recovery, 2) provide grants to cover capital improvements to existing facilities for use of products using waste tires or using waste tires as fuel/fuel supplement, and 3) may use up to 10% for state's SWM education program. Retailers allotted 5% and Dept Revenue for collection costs. Fee has 5 yr sunset. Grant applicant must have at least 40% Missouri tires to qualify. Advisory council (tire industry, general public, DNR & Eco Devo) to assist in grant criteria.

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DEMOLITION WASTE DISPOSAL -- Regulation of demolition waste and its disposal shall be noted on building permits. Persons generating demolition waste shall maintain record of where waste is disposed and make record available to DNR. Clean fill is defined and wood waste uses established.

LOCAL ZONING COMPLIANCE -- Any city or county that acquires property in another city or county to establish, operate or maintain a landfill or incinerator shall comply with any and all local zoning ordinances. **Emergency Clause.**

FLOW CONTROL -- St. Charles County- County commission may require removal of recyclables and recycling of materials after waste leaves generator, prior to disposal. Counties within a District- May require waste brought in from outside District for disposal, prior to entry, to be subject to same source separation (recyclables and compostables) as required of waste generated in District.

ILLEGAL DUMPING -- Earmarks up to 10% of SWM Fund for investigation and prosecution. Establishes Interagency Task Force in Illegal Waste Disposal with Dec 1995 sunset. **Demolition Waste 1st Degree** (2000 lbs or more) is a Class A Misdemeanor (Jail: 1/2-1 yr & Fines: up to \$1000-person, \$5000-corp) and additional fine up to \$20,000, except that under certain circumstances court may order fine equal to amount made from violation; subsequent offenses become Class D Felony (Prison: up to 10 yrs & Fines: up to \$5000-person, \$10,000-corp) and additional fine as provided for first offense. **Demolition Waste 2nd Degree** (up to 2000 lbs) is a Class C Misdemeanor (Jail: up to 30 days & Fines: up to \$300-person, \$1000-corp) and additional fine up to \$2000; subsequent offenses become Class D Felony (Prison: up to 10 yrs & Fines: up to \$5000-person, \$10,000-corp) and additional fine as provided for first offense. **Solid Waste 1st Degree** (over 500 lbs) is Class A Misdemeanor (Jail: 1/2-1 yr & Fines: up to \$1000-person, \$5000-corp) and additional fine up to \$20,000, except that under certain circumstances court may order fine equal to amount made from violation; subsequent offenses become Class D Felony (Prison: up to 10 yrs & Fines: up to \$5000-person, \$10,000-corp) and court may order additional fine equal to 3Xs amount made from violation. **Solid Waste 2nd Degree** (up to 500 lbs) is Class C Misdemeanor (Jail: up to 30 days & Fines: up to \$300-person, \$1000-corp) and additional fine up to \$2000; subsequent offenses become Class D Felony (Prison: up to 10 yrs & Fines: up to \$5000-person, \$10,000-corp) and court may order additional fine equal to 3Xs amount made from violation. Court may order restitution in the form of cleaning the site of the violation. Court may order community service in the form of clean up of another's site of violation.

COURT MAY ORDER ILLEGAL DUMP SITE TO BE NOTED ON PROPERTY DEED -- When property owner is guilty of illegally dumping on own property and fails to clean-up site as ordered by court, court may notify recorder of deeds so that note on deed can be made.

DISCLOSURE OF LANDFILL SITE TO POTENTIAL BUYER -- Person selling property containing solid waste or demolition waste disposal site must disclose to buyer early in negotiation existence and location of site.

ATION -- DNR shall develop and disseminate information regarding relationship between waste management and consumption of goods and services, types and quantities of waste. Program shall be relative to implementation of SWM Plans. Program shall include information on energy consumption and conservation, air and water pollution, and landuse planning. To be used by local and state govt officials and employees, K-12 and college teachers and students, solid waste scrap related businesses, businesses which can use recycled items and their vendors, and general public. 10% of tire fees may go to DNR and Dept Elementary & Secondary Education to fund program.

PERMIT PROCESS-----

DNR MUST ACT TIMELY ON SOLID WASTE PERMIT APPLICATIONS -- Within 24 months on application for landfill, 18 months on incinerator, and 6 months on transfer station, compost facility application or permit modification-must deny or approve. Failure to deny or approve gives applicant or permittee a cause of action against DNR to ask court to order DNR to require decision.

CONSIDERATION OF DISTRICT PLAN -- DNR shall consider SWM Plan when it reviews application for issuance, renewal or modification of permit. If DNR acts on permit contrary to SWM Plan, DNR shall inform District of basis for decision.

BACKGROUND CHECK -- Person seeking solid waste landfill or incinerator permit or renewal shall file a disclosure statement regarding state or federal felony convictions or other enforcement actions against the applicant or permittee or any of its officers, directors, partners, or facility/site managers and Highway Patrol shall verify information. Report shall be used by DNR in determining application.

BAD ACTORS - RESTRAINT OF TRADE CONVICTIONS -- Solid waste or hazardous waste facility may not be permitted, may have permit revoked, or may not have permit renewed when convicted (convictions after effective date of legislation) of offenses during same 5 yr period relating to price-fixing or restraint of trade as follows-- Solid Waste Permittee or Applicant- 3 convictions from federal court or another state, or 2 convictions from Missouri court; Hazardous Waste Applicant- 3 convictions from federal court or another state, or 2 convictions from Missouri court; Hazardous Waste Permittee- 2 convictions from federal court or another state, or 2 convictions from Missouri court. After 5 yrs, bad actors may apply to DNR for reinstatement. Applicants or permittees must notify DNR of convictions; failure to do so is Class D Felony (Prison: up to 10 yrs & Fines: up to \$5000-person, \$10,000-corp) and additional fine up to \$1000 a day for each day not reported. Persons making bids, or under contract, with local govt shall notify local govt of convictions. Penalty same as failure to report to DNR. Emergency Clause.

INCINERATOR REQUIRED TO HAVE POLICE & FIRE PROTECTION -- When hazardous or infectious waste incinerator to be located in unincorporated, unzoned area of county without fire and police protection, applicant must have contract with local govt or state for such services in order to be permitted. **Emergency Clause.**

BUFFER ZONE FOR INCINERATOR -- Commercial solid waste or hazardous waste incinerator shall have buffer zone of at least 300 ft. DNR shall set Rules and take into account distance from schools, businesses, and homes. **Emergency Clause.**

TIMES BEACH PERMIT -- DNR shall not grant permit for more than 5 yrs and shall not renew permit for original site.

TESTIMONY IN OPPOSITION TO
HOUSE BILL 2605
KANSAS STATE LEGISLATURE
APRIL 1, 1991

by
Gail Ederer
Executive Director
MidAmerica Glass Recycling Program
(A Regional Program of the
Glass Packaging
Institute)
(501) 855-4703

EXNR
4/1/91
Attachment 9

HOUSE BILL 2605 - TESTIMONY IN OPPOSITION
Gail Ederer - Glass Packaging Institute

My name is Gail Ederer and I am the executive director of the MidAmerica Glass Recycling Program, which is an 8-state regional effort of the Glass Packaging Institute (GPI). GPI is the national trade association representing glass container manufacturers in this country. The MidAmerica program represents eleven glass container plants in this region, six of which operate in your neighboring state, Oklahoma.

The glass industry in general and the MidAmerica program specifically has been working with the good people of Kansas for nearly ten years in an effort to boost glass recycling rates and reduce solid waste. We've provided a strong, stable market for used glass containers; buying them back in increasing volumes for the manufacture of new containers.

We've provided funding and industry expertise to the voluntary recycling efforts in Kansas. We've provided educational materials to schools; public education and promotional materials to the Kansas media and civic organizations. We've provided guidebooks, videotapes and other instructional materials to municipalities and anyone seeking counsel in the areas of waste reduction through curbside and other recycling methods.

In other words, the glass container manufacturing industry has been actively involved in the remarkable growth of voluntary recycling in Kansas and in the development of waste reduction strategies here for a number of years. We remain vitally

interested in the future direction of waste reduction, especially of course, as it relates to our containers.

It is obvious that HB2605 is a well-intentioned attempt to address the subject of waste management, waste disposal and waste reduction in the state of Kansas. Our industry is committed to the concept of comprehensive waste reduction strategies. However, there are many elements of this bill that we cannot support.

The general tone of HB2605 is negative and many sections are clearly discriminatory. Options set out for county governments are quite stringent and would be impossible to achieve in areas of the state.

The bill taxes certain beverage containers; a blow to the very industry that has shown some of the greatest successes in recycling. Indeed, aluminum can recycling pioneered the development of a voluntary recycling infrastructure which has made the future growth of recycling possible.

The bill fails to set forward any goals for total waste reduction for Kansas and yet sets specific recycled content rates for glass containers. At the same time, HB2605 fails to address any positive approaches to establishing collection mechanisms which would insure that such recycled content rates could be reached.

Rather than address all the concerns we have with the approach this bill takes to the issue of waste reduction, I want to assure the committee that the glass container manufacturing

TESTIMONY IN OPPOSITION TO KS HB2605 - page 3

industry is willing to be part of the solution. We pledge to support a comprehensive, positive approach to waste reduction. One that contains realistic, workable strategies which take into account market conditions and existing systems. We would welcome an opportunity to assist in the development of such legislation.

[Faint, illegible text and markings]

TESTIMONY BEFORE THE KANSAS HOUSE ENERGY
& NATURAL RESOURCES COMMITTEE

Presented by
KAREN SMITH, REGIONAL MANAGER
PROCTER & GAMBLE COMPANY

Thank you for the opportunity to testify before the House Energy & Natural Resources Committee. My name is Karen Smith, and I am here today to express Procter & Gamble's opposition to House Bill 2605. We are especially concerned by the provisions which single out a few segments of the waste stream for taxation, such as the tax on disposable diapers. The taxes which are being considered will not solve in any meaningful way the solid waste problem, nor is the proposed tax an equitable way to generate revenues for Kansas's solid waste program.

We oppose the proposed tax on disposable diapers because it would impose an unfair burden on those most hard-pressed to pay it -- the already burdened mothers, young married couples and single parents. Furthermore, we assume that the reason for this tax is the perceived -- but not clearly identified or well-documented -- environmental advantages of alternatives to disposable diapers. Legislators in 24 states have rejected bills imposing disincentives on the use of disposable diapers. We encourage you to do the same for the following reasons:

- The debate over disposable diapers versus reusable diapers has yet to demonstrate that either is clearly superior in the various resource and environmental impact categories. It is important to understand the environmental effect of diapers, both cloth and disposable, through their entire life cycle. Two recent independent studies using this method show environmental effects from both types of diapers.
- Arthur D. Little, a well known international management and technology consulting firm, concluded: "In terms of environmental consideration, neither disposable nor reusable diapers are clearly superior. The specific health, environmental and economic advantages of disposable diaper products appear to outweigh the more limited advantages of the reusable diaper products." Further, they found that, "...disposable diapers offer distinguishable health and economic advantages over their reusable counterparts. In particular, they offer better protection against diaper dermatitis (diaper rash), while also decreasing the potential spread of infection in day care settings. These benefits are achieved at a lower weekly cost compared to cloth diapers."
- Franklin Associates, an international independent consulting firm located here in Kansas which specializes in municipal solid waste issues cautions that, "All diapering options -- cloth and disposable diapers -- have some environmental and energy impacts. The results of this study illustrate the importance of inventorying

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4/1/91
Attachment 10

the broad range of environmental discharges and energy and water requirements of products rather than focusing on only one aspect." They concluded that cloth diapers consume more energy and more water volume, and also produce more waterborne wastes and more atmospheric emissions than disposable.

While the environmental impact of the two diapering systems may be roughly equal, disposable diapers offer important benefits. Briefly, today's super-absorbent disposable diapers:

- offer superior protection of the infant's skin from wetness and therefore from diaper rash. These findings have been documented by extensive clinical research conducted by many university laboratories and have been published in peer-review journals like the Journal of the American Academy of Dermatology and Pediatric Dermatology.
- are much better able to contain urine and feces than are cloth diapers, even when rubber overpants are used. This advantage has important health implications in child care or other public settings where diaper leakage can increase the risk of transmitting gastrointestinal illnesses, like diarrhea. A panel of infectious disease experts recently reviewed the issue of infectious disease in child care settings and have drafted a set of guidelines for out-of-home child care programs as part of the National Standards program for The American Academy of Pediatrics and the American Public Health Association. In the discussion on General Policies for Infection Control, the panel outlined guidelines for diaper use and stated: "Reusable diapers should not be used in child care programs."
- provide enhanced dignity and freedom for the millions of adults and elderly who suffer from some degree of impaired bladder control.
- provide important time-savings convenience to the millions of working mothers struggling to balance the competing demands in their very full lives. We oppose singling out a particular product or a small portion of the solid waste stream (diapers are 1.5% of total solid waste as reported by the EPA) because it is not an effective approach to solving the long-term objective of better managing municipal solid wastes. Procter & Gamble remains committed to helping reduce the volume of solid wastes currently going to landfills. We are actively working on ways in which to accomplish this aim as it relates to diapers and have accomplished the following:

In 1986 we reduced diaper volume by 50% through use of super-absorbent materials. Very few other products can make similar claims. This super-absorbent technology provides better skin care and usage control so important to consumers.

In 1989 we reduced diaper packaging material volume by 80% through use of a compression pack rather than the previous cardboard carton. We are now testing the use of 25% post-consumer recycled plastics in this package.

Procter & Gamble believes that composting of municipal solid wastes is an essential part of the integrated solution to the solid waste problem. Because of this strong support for composting, we have assigned key managers to work with the Solid Waste Council to help establish a U.S. municipal solid waste (MSW) composting infrastructure, and we have committed \$20 million towards getting MSW composting started. Advanced composting systems can manage 30-60% of MSW, including disposable diapers (80% of a diaper is compostable).

A cooperative effort in St. Cloud, Minnesota transforms diaper components and other organic solid waste into humus that can be used in the garden or to reestablish fertile land along the roadside. Nine of the eleven municipal solid waste composting facilities now in operation accept diapers, and we are working on ways to make our diapers even more compostable through the use of new materials. A copy of our fact sheet on composting is attached for your information.

We also oppose these proposed taxes on diapers because they are not equitable. The proposed tax would be particularly unfair to young families and the elderly who need the health care benefits that products like disposable diapers and incontinence products offer. Taxes on a product like this are very regressive and are unfair methods for generating revenues. They are not paid by consumers in proportion to their wealth, income or resources, but only in proportion to their need for the commodities which they must purchase. Make no mistake, a tax paid by manufacturers is almost always passed on directly to the consumer in the form of higher prices. The attached fact sheet on special taxes elaborates on this point.

While it is true that many landfills are filling up, all solid waste -- not just disposable diapers -- has to be managed more effectively. Inordinate focus on this category of products, we think, is ill-conceived because solutions to the solid waste problem lie in source reduction, recycling and composting, waste-to-energy conversion, and landfilling as a last resort. Disposable diapers, as I have noted, are compatible with all of these alternatives. Taxes are not an integrated waste management alternative and are not a solution to the solid waste problem.

COMPOSTING

What's The Issue?

Composting is the biological decomposition of organic wastes. For years, many people have had a backyard compost pile for food and yard wastes. Municipalities are now looking at composting on a larger scale to transform organic municipal solid wastes (MSW), such as paper, cardboard, food scraps and yard cuttings, into humus or mulch.

The primary benefit of a compost program is the potential for diverting 30-60% of solid wastes from landfills, and producing an inexpensive, usable compost. This has been done successfully in Europe for years. In Sweden, for example, over one-fourth of all MSW is composted.

Under controlled conditions, organic wastes can be decomposed by micro-organisms. Inorganic material such as metals, plastics, and glass are not compostable; they must be sorted out before the composting process begins. Solid waste composting produces a stable, soil-like organic material which can be used in numerous ways, including use as an additive for improving the properties of soil.

A MSW composting facility can easily be sited as part of an existing landfill.

Nine such facilities are now open in the U.S. and four more are being tested. Recent changes in the economic climate (i.e. higher tipping fees at landfill sites) have resulted in an increasing number of state governments taking an active role in the development of MSW composting. There are now at least 20 facilities that are in advanced planning stages, and there are over 100 communities considering MSW composting projects.

Ironically, the level of interest in composting MSW is outpacing the level of experience with composting operations. Experts agree that a key drawback to designing new facilities is the lack of operating facilities to observe within the U.S. Important issues which should be considered during project planning include:

- Reliable markets for the end products produced.
- Chemical and physical contaminants found in typical MSW.
- The degree of upfront processing needed for the compost facility.
- The need for waste separation programs to provide high quality input.

A new national association, The Solid Waste Composting Council, was formed in the spring of 1990 to promote acceptance of composting and compost products, and to work for national product and processing standards. The initiative to form this group came from large consumer products corporations like P&G. Active membership of companies like P&G and Phillip Morris means that MSW composting has important industry support. On the legislative front, both the U.S. House of Representatives and the Senate included composting features in their respective versions of the 1990 Farm Bill.

Where Does Procter & Gamble Stand?

Procter & Gamble believes that composting of organic solid wastes is an essential part of the solution to the solid waste problem. We have assigned key managers to work with the National Composting Association to help establish the U.S. MSW composting infrastructure, and we have committed \$20 million towards getting MSW composting started. Specifically, **P&G supports:**

(continued on back)

1. **National Recycling Goals Which Classify Compost as a Recycle Product.** Recycling is a preferred approach for managing municipal solid waste. Government at all levels should mandate goals for recycling and provide standards and incentives for states and localities to meet these goals. Composting should be classified as a form of recycling, and compost as a recycle product.
2. **National Product Standards and Guidelines for End Use.** Compost standards and guidelines for use are being developed state by state. Already there are differences between states. The vendors and operators of composting equipment are confronted with a maze of requirements which result in significant interstate commerce issues for the compost product. Adopting national standards would solve this problem. Federal standards and guidelines should be based on end use of the compost product and not the feedstock waste, or the technology used for composting.
3. **Mandated Use of Compost by Public Agencies.** Economics is a significant barrier to the rapid expansion of composting facilities. The return on capital investment comes from avoided disposal fees and the sale of the compost product. Mandating use of compost products by public agencies for their procurement needs provides large and secure markets. Beneficial end use of the compost can minimize the tipping fee increases to communities.
4. **Market Development and Agricultural Research.** Development of compost markets can be promoted by knowledge of the benefits of compost use in a wide variety of agricultural applications. While there is currently some published research, state and federally sponsored research can expand this knowledge and help maximize market potential for compost products. This could take the form of U.S.D.A. or other agency funding together with state agricultural extension services and Land Grant universities.
5. **General Education.** The Federal Government should undertake programs to inform key state and local government decision makers as well as consumers about the role of composting in solving the solid waste problem. It should also establish an information clearinghouse to help provide state and local officials with important resources and contacts within the compost industry.
6. **Financing of Compost Facilities.** Government at all levels should establish special tax incentives, low cost loans and other creative means to help underwrite the cost of developing the compost infrastructure.

In summary, a comprehensive strategy will be needed in order to take full advantage of the potential benefits offered by composting. P&G is committed to doing our part in helping to establish the infrastructure for MSW composting.



SPECIAL TAXES

What's The Issue?

Some solid waste legislation involves special taxes or fees. This includes taxes on packaging, specific products, and virgin materials. In many cases, the tax or fee is intended as an incentive (or disincentive) to do something. For example, a fee on the amount of trash a homeowner sets out after recycling is an incentive to recycle more and waste less. Some taxes are punitive against specific types of waste such as containers made of more than one material, materials which do not readily degrade, or fast food packaging because of the litter that it produces. Others like virgin material taxes are intended to be a disincentive to use virgin material verses recycled material.

In most cases, "incentive" taxes or fees also provide revenue for solid waste programs such as recycling or new disposal facilities. Revenue for such purposes also is raised from broad-based sources such as local property tax millage or "tipping" fees at a disposal facility. In a few cases, taxes on solid waste have been proposed simply to increase general revenues.

The problem with most of these special taxes is that they are not substantive solutions to the solid waste problem. For instance, packaging contributes one-third of the solid waste problem. A tax on packaging ignores two-thirds of the solid waste problem. It is not only burdensome to place a disproportionate tax on packaging and consumer products, it could also obscure the significant need to address the remaining two-thirds of the solid waste stream.

Because packaging or product taxes are regressive, they are unfair methods for generating revenues. They are not paid by consumers in proportion to their wealth, income or resources, but only in proportion to their need for the necessities of life which they must purchase. Efforts to shift the point at which the tax will be paid—perhaps to conceal it upstream in distribution channels or in virgin materials—won't change that fact. The cost still will be passed on to the consumer.

Moreover, the necessarily complicated and cumbersome structure of a packaging or product tax requires a massive state bureaucracy to enforce and administer. Manufacturers like P&G sell the bulk of their products to retail chains that often span several states. After we release product to truckers for chain warehouses, we lose control over the final destination. This makes it very difficult to identify the amount of product going into the taxing area with any precision. Assessing the tax at the point of sale would create administrative burdens for retailers in identifying those products subject to the tax.

Across-the-board taxes on package units place a disproportionate burden on elderly and low income citizens, who tend to buy smaller sizes. Similarly, a tax that varies only in very rough fashion with the size of the package (charging a penny for a trial size bottle of detergent that costs sixty cents and only five cents for a huge carton of detergent that costs eight dollars) will do little to encourage waste reduction.

Where Does Procter & Gamble Stand?

We understand that it costs money to pay for services, and we support tax policies which help to manage solid waste in a fair and effective manner. Specifically, P&G supports:

1. **Broad-based taxes or fees only to the extent needed.** The broadest basis would involve all types of non-recoverable waste from every waste generator — home, business, institution or agency. Methods of collection might include the billing of waste pickup customers based on the volume of their nonrecyclables.

(continued on back)

2. **Accountability for the amount of waste disposed of.** In a free market, each of us who generates waste can balance its usefulness against its disposal cost in a rational way only if each of us understands and is responsible for that cost. Thus, P&G supports policies where each waste generator pays for the collection and disposal of the actual amount of non-recoverable waste that each produces, rather than a flat fee. This can be done through prepaid waste bags or containers or some other accounting system. The effectiveness of pay-by-volume systems can be seen in places like Seattle, Washington and High Bridge, New Jersey. Since these cities adopted this type of system, their volume of solid waste dropped by 60% and 25% respectively.
3. **Tax incentives for exploring ways to manage solid waste better.** Examples include research or pilot projects to reduce waste, to recycle waste, to use recycled waste, to educate the public about waste management, or perhaps to compensate neighbors of newly-sited waste facilities.

P&G opposes taxes or fees which unfairly single out a specific category of solid waste while leaving others of equal or greater importance untouched. Such taxes on particular types of waste such as packaging or plastic do not manage solid waste effectively because they deal only with an isolated part of the overall problem. Such measures discriminate against users of the category of items involved, usually in a regressive manner. Finally, such taxes or fees usually require a very cumbersome and expensive system of collection and administration which wastes resources and unnecessarily raises overall consumer prices.

Also, special taxes can easily be invisible to consumers, and thus be ineffective in influencing their purchase decisions or discard habits. The primary focus for responsible solid waste management must be to influence the general public and industry to change their practices in ways that will reduce solid waste. Consumer involvement is critical.

Finally, P&G opposes taxes or fees on solid waste intended primarily to raise general revenue. Such exploitation of a serious problem is inappropriate and can detract from solutions to the problem.





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Executive Director

John T. Torbert

April 1, 1991

Testimony

To: House Energy and Natural Resources Committee

From: John T. Torbert
Executive Director

Subject: House Bill 2605

The Kansas Association of Counties appears today in opposition to HB 2605. Let me preface my remarks by saying that there are certain aspects of this proposed legislation that we could support under certain scenarios. I admire the legislation for its boldness and scope. It is a proposal that, on paper, has some very attractive features. Unfortunately, I just don't think that it is workable in the real world.

All of us are concerned about solid waste management. All of us would like to see more recycling and would like to be able to say there is always going to be a market for those recycled goods. All of us are concerned about landfills and about trying to cut the quantity and volume of waste going into those landfills so that we can extend their lives. And, all of us are concerned about the pending EPA landfill regulations and what impact those regulations will have on Kansas. The question is, does this legislation put the proper mechanisms in place to address these issues? I do not think that it does.

The last time I addressed this committee, I spoke about the recommendations of the Kansas Solid Waste Advisory Task Force. That task force consisted of representatives of business, industry, government and environmental interests and met for almost two years in coming up with its recommendations. That task force made 48 recommendations on solid waste management issues in Kansas. The number one recommendation of that task force was as follows; "The legislature should mandate KDHE to complete a revised Kansas solid waste management plan by December 31, 1991 with the legislature providing funding." That has not happened and this bill from what I can tell does not require that the state plan, which is now more than 10 years

*E+NR
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Attachment 11*

old, be updated. The number two recommendation of the task force was that once the state plan was updated and a clear direction established, then, (and only then) the local solid waste management plans should be updated with the state providing half of the dollars necessary. We believe that this sequence made sense when the state task force made it their number one and two recommendations and we still believe that it is the proper sequence. Not requiring the state to update its plan we think is a major oversight and one that definitely needs to be addressed. If local plans are going to have to be updated, we must have some idea of where the state is going on this rather large and complex issue of solid waste management. We also question KDHE's ability to do the necessary review of new local solid waste management plans (Page 8, section g) given current staff and budget considerations. If KDHE is going to play the leadership role that this legislation envisions it is going to need more money and more staff.

We would further note that on page 8, lines 19-22, the secretary of KDHE is given the authority to mandate regional solid waste plans for two or more counties. I applaud the bill's recognition that many of the solutions to our solid waste problems will have to be regional in nature. We think that this will happen naturally due to cost considerations alone. And, I think the legislation does a good job of steering counties to a regional approach. But, this language giving the secretary of KDHE this kind of sweeping authority just goes too far. I would question whether KDHE would even want this kind of power.

At least one part of the funding scheme is this legislation is puzzling. It proposes a state surcharge of up to \$50/ton or equivalent volume of solid waste disposed of at any waste disposal area located in the county. As far as I know, this is granting us authority that we already have. Counties have the ability to establish tipping fees under current law and this surcharge is essentially a tipping fee. For that matter, a county can already do about anything that this legislation proposes that we do in options one and two shown on pages 14 and 15. And counties are doing some of these things- though probably not in the scope envisioned here. There are a lot of problems with this sort of funding mechanism. It virtually would require scales or some sort of measuring capacity at all landfills. It will also mean more staffing at some landfills. I've had a number of county commissioners tell me that trying to fund solid waste management using a tipping fee or surcharge approach simply will not work. If it did, there would be more of it.

The environmental tax fund is an interesting idea and we appreciate the fact the this legislation realizes that these local plans are not going to be easy to update and will require state financial assistance. Is there a fiscal note on this bill that estimates the amount of dollars that this new tax would generate and is there any estimate on what the actual cost of updating county plans will be? Do the revenues and expenses line up?

This legislation also does not speak to any private sector arrangements that currently exist or may exist in the future. I would remind this committee that last year's legislature passed SB 14 which encourages counties to consider privatizing solid waste management. What effect does this bill have on that sort of activity?

We would also agree that environmental education is important. But, I don't have even the foggiest idea of how counties would be able to meet the educational requirements imposed upon us in section (f) on page 16. I would suggest that the public education system or the extension system would be a better place to lodge this mandate. We have enough problems trying to explain reappraisal.

In sum, there are some good things in this legislation. Local solid waste plans do need to be updated but the state plan should be updated first. Tipping fees or surcharges are already possible under current law and are questionable sources of funding at best. Most of the types of recycling and waste reduction activities envisioned in this bill can already be implemented by counties. The environmental tax fund may have some merit but we need to see how the dollars and needs for those dollars line up.

I'd be happy to respond to any questions.



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JIM SHEEHAN
Shawnee Mission

OPPOSING HB 2605 IN CURRENT FORM

4/1/91

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DIRECTOR OF
GOVERNMENTAL AFFAIRS

FRANCES KASTNER

I am Frances Kastner, Director of Governmental Affairs. Our members include retailers, wholesalers and manufacturers of food products. For more than a decade our organization has worked with beverage-related industries in an effort of recycling and RE-USING material to conserve energy and our natural resources. We are active members in BIRP (Business and Industry Recycling Program). More than a million dollars annually of NEW MONEY is transmitted to individuals and organizations collecting aluminum containers. Last year the citizens of Fredonia contributed more than \$30,000 by saving their aluminum cans in order to build a new fire station. They're also turning in glass to be crushed and used by a local cement manufacturing plant.

We believe in a comprehensive solid waste management program, but we can NOT support HB 2605 as written. This may be a vehicle to begin in-depth hearings during an Interim Study and we would be happy to participate in that effort.

One of the areas that should be addressed, from a food retailer's viewpoint, is collecting a one cent "Environmental Tax" from EACH customer. As you know, the federal government prohibits us from collecting SALES TAX on purchases made with food stamps, and probably would not permit the food stamp recipient to pay the one cent per beverage container environmental tax with food stamps. This would be a bookkeeping nightmare for retailers to keep track of the beverages purchased with food stamps and HB 2605 makes no provision for exempting the one cent environmental tax from food stamp purchases of beverages.

We also wonder where the tax on specific items will stop. If the Legislature approves a tax on beverage containers, can we expect an environmental tax on each of the 20,000 different items in a grocery store? We feel HB 2605 is setting a bad precedent.

We appreciate the opportunity to share our concerns with you and respectfully request that you NOT PASS HB 2605 in its present form. I'll be happy to answer any questions.

Frances Kastner
Frances Kastner, Director
Governmental Affairs, KFSA

*E+NR
4/1/91*

Testimony of:
Randall H. Downing, Director for Public Affairs,
Pepsi-Cola General Bottlers, Olathe, Kansas
before the House Energy and Natural Resources Committee
April 1, 1991

Mr. Chairman, members of the Committee: thank you for allowing me to testify before you today. My name is Randy Downing. I am the Director of Public Affairs for Pepsi Cola General Bottlers in Olathe, Kansas. I oppose House Bill 2605 because its funding provision is an unfair tax on our packaging.

Our company and industry support multimaterial solid waste legislation. However, we cannot support legislation that relies upon a container tax to help pay for the entire solid waste problem when our packaging makes up less than 4% of the solid waste stream. Our packaging is already being recycled at a greater than 40% rate nationally. Why would you tax the very industry that is already doing the best job of recycling?

Our Pepsi-Cola franchise area borders Nebraska and Missouri. Neither of these states has a container tax. If this bill becomes law, our Kansas customers will go to Nebraska and Missouri to buy soft drinks. The most significant impact would occur in highly populated areas such as Johnson and Wyandotte counties. The state of Kansas could potentially lose tens of thousands of sales tax dollars, plus the proposed one-cent container tax, in a misguided effort to solve the solid waste issue.

In fact, Kansas would lose the most sales tax dollars to Missouri, a state whose legislature last year passed one of the most comprehensive solid waste reduction bills in the country. Yet that bill does not rely on punitive taxation on a minor part of the waste stream to fund its program. SB 530, the Missouri bill, is funded at the landfill site through increased tipping fees of \$1.50 per ton. The people who generate waste ultimately pay for its disposal.

I live in the City of Overland Park. We have a curbside recycling program that enjoys one of the highest voluntary participation levels in the country. Several other cities in Johnson County and throughout the state offer curbside recycling programs. Their citizens pay extra to have their recyclable items picked up along with their trash. If HS 2605 passes and becomes law, it could have a negative impact on these existing programs. Why should the conscientious citizens of Kansas who already voluntarily pay to participate in curbside recycling programs pay twice to recycle the same soft drink containers? As proposed, HS 2605 would not be fair or just public policy.

As an industry, we helped to organize the Kansas Business and Industry Recycling Program (BIRP) over 8 years ago. We are one of the major financial contributors to this voluntary, business-sponsored program. We took the lead in recycling and solid waste issues years ago because of our concern for the environment. We want to continue this leadership role.

Our packaging is 100% recyclable, now! It is already the most recycled packaging in Kansas. Why single out the beverage industry with a punitive tax? Our industry has already achieved success in diverting material from the waste stream through recycling programs.

We ask that House Bill 2605 not be passed. Instead, we suggest that this committee study this issue further. We want to work with this committee to develop legislation that is comprehensive yet fair to all who contribute to the solid waste stream in Kansas.

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Attachment 13*



Testimony by
Neal Whitaker, Kansas Beer Wholesalers Association
on House Bill 2605
before House Committee on Energy and Natural Resources
April 1, 1991

Since the mid 1970's members of the Kansas Beer Wholesalers Association cooperating with other industries in Kansas have led the way in helping establish a statewide system of voluntary recycling. As a result of the experience gained over the last 15 years we have become convinced that a statewide plan of resource recovery through the use of curbside sort systems or the collection of unseparated waste which is separated at the waste disposal site to recover recyclable items, commonly called the MRF System, are the approaches that will conserve space at solid waste disposal sites and provide substantial resources to be recycled.

Taxation: Prior to consideration by the Committee of the environmental taxes imposed by HB 2605, you should be aware of the system of taxation that is presently in place on beer and cereal malt beverage sold in Kansas. When the beer enters this state it has included in its price a \$1.30 1/2 per case federal excise tax. At the wholesale level Kansas imposes 40 1/2¢ per case. At the liquor retailer level an 8% enforcement tax is applied which on a \$15.50 case of beer amounts to another \$1.24. And finally, if this beverage is consumed in a private club or public drinking establishment in this state an additional 10% tax is levied on the retail price of the individual can. This means if a consumer buys a \$15.50 case of beer at a liquor store they will pay \$2.95 in taxes. If that same case of beer is sold as individual servings in a club or drinking establishment an additional \$4.80 will be collected in taxes. In light of this system of heavy taxation it is unreasonable for the legislature to expect consumers to pay an additional 24¢ per case environmental tax on a container that already contains as much as 65% recycled material. Material, I might add, that is recovered through a voluntary recycling system. Anheuser-Busch reports that in 1990 85% of all the aluminum cans they placed in the market were recycled. Their 1991 goal is 100%.

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Attachment 14

Recycled glass cullett: HB 2605 establishes a series of standards for the percentage of recycled glass cullett used in glass containers imported into Kansas. We believe that this requirement is unnecessary and unenforceable. In the beer industry today Anheuser-Busch reports that their glass containers contain 28% recycled glass cullett. Both Adolph Coors Brewing Company and Miller Brewing currently use about 30% recycled glass cullett. All of these companies are far ahead of the printed schedule. However, the Adolph Coors Company plans by the year 2000 to use at least 50% recycled cullett in their beverage containers. They also said that achieving this goal would require a capital equipment investment of an additional \$2 million. At this time I know of no national labeling system which would allow wholesalers of any glass product to establish what percentage of recycled cullett was used in production of the container. As a result, this could well mean that special containers must be developed just for the sale in Kansas. The glass industry nationwide currently has an aggressive program in place to encourage the recycling of glass containers. This program has been developed without statutory requirements for its existence and, I believe, will continue to develop. As a result we oppose the inclusion of statutory percentages of recycled cullett in HB 2605.

Recycling and conservation of space in solid waste disposal sites is everyone's problem. Therefore, the costs for the solutions to this problem should be borne accross the entire population and not focused on the industry which has played a leading role in the recycling effort.

Thank you!

2,

TESTIMONY

OF

KEVIN TIPTON

AREA DIRECTOR
DISTILLED SPIRITS COUNCIL OF THE
UNITED STATES, INC.

BEFORE THE

HOUSE ENERGY & NATURAL RESOURCES
COMMITTEE

APRIL 1, 1991

RE: HOUSE BILL 2605

E & NR
4/1/91
Attachment 15

Mr. Chairman and Members of the Committee:

My name is Kevin Tipton, and I am here to testify in opposition to HB 2605. I represent the Distilled Spirits Council of the United States, Inc. -- DISCUS. DISCUS is the trade association of the nation's producers and marketers of over 90% of the liquor products sold in this country.

The liquor industry, and other elements of the beverage industry, have worked diligently over the last several years in Kansas and throughout the country to promote the voluntary recycling of containers. In fact, the recycling of beverage containers and other solid waste materials has spawned a host of curb side and drop off programs throughout the state.

These efforts have been extremely effective by providing a marketplace where previously none existed. The containers marketed by our industry have increasingly supplemented the operating budgets of recyclers whose services have also included the recycling of many other less profitable materials.

One of the proposals that DISCUS objects to in HB 2605 is the ban on usage of polyethylene terephthalate - of PETE plastic containers by counties choosing this option as of January 1, 1993. PETE containers, which are used by some distillers, are well suited to recycling due to the value of the materials making up the container.

For instance, Rutgers Center for Plastics Recycling Research calculates a net return of 20% on PETE recycling since reclaimed PETE sells for 50% of the virgin polymer price. In addition, plastics recycling rates are rising as technical and organizational problems in plastics recycling are resolved.

The use of PETE containers results in considerable savings due to lower input costs, reduced transportation charges, breakage and handling.

By banning high-value material such as PETE containers from the recycling stream, many recycling plants may have to reduce employment, or go out of business.

Recycling is an appropriate response to the solid waste problems in Kansas. Banning the use of a product that constitutes only seven percent of all solid waste is overtly restrictive - especially when studies show that consumers prefer this type of packaging.

HB 2605's mandate that glass containers have a percentage of recycled glass will also be costly for consumers, and the state. Because such a large percentage of liquor products are in glass containers, the assessments, fees, surcharges and taxes imposed by the bill will further drive distilled spirit costs up, and very probably reduce state revenues.

Presently, liquor containers account for only 1% of all municipal solid waste, thus the glass cullet provisions in HB 2605 and ban on plastics would have a dramatic effect on liquor sales.

In 1989, state revenues from the alcohol beverage industry yielded \$53 million to the Kansas' treasury - with 37% of that revenue from liquor sales alone. However, liquor demand in Kansas is unstable and declining - with apparent consumption down 13% in the state since the mid-1980's. Any further increase in liquor prices - as had already occurred this year with the Federal Excise Tax in January - and as is proposed by this measure, would further depress sales.

State waste reduction strategies - such as those outlined in country Option 2 of HB 2605 which rely upon source separation, but which do not diminish current successful voluntary recycling efforts - more effectively deal with the state's landfill problems than do product bans, restrictive packaging policies, and excessive fees.

It is in everyone's best interest that Kansas begin to separate their solid waste. Landfill space is at a premium. And that space must be better managed. The distilled spirits industry recognizes this. Comprehensive solid waste plans that affect all waste products more fairly serve the community and the state.

HB 2605 has many elements of a good comprehensive solid waste plan. However, I urge you to oppose HB 2605 as it is currently written because of its excessive fee structure, bans on eminently recyclable product packaging, and unreasonable mandates.

Thank you.

The consideration of taxing adult disposable briefs in long term care is not only unwise but an added burden to an already financially strapped industry-- the average profit is only 2 to 3 % in Kansas with the added cost of 1¢ per brief the cost to private pay as well as state funded residents is too much to add in the ever raising cost of health care:

Please consider the containment of infectious disease without disposable briefs or other such products, the risk is more than tripled for the care given to contract the disease.

I will be leaving information for your consideration.

Thank you.

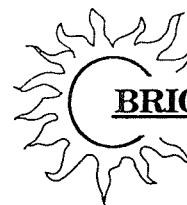
L. Sue Starkebaum
Administrator
Glendale Manor
Topeka, Kansas

GLENDALE MANOR
CARE CENTER, INC.

L. Sue Starkebaum
Administrator

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Topeka, Kansas 66604

913-235-6258



BRIGHTON PLACE

Mary Ann Perry
Administrator

Brighton Place West, Inc.
913-232-1212

331 S.W. Oakley
Topeka, Kansas 66606

ELNR 4/1/91 Attachment 16

HIP

HELP FOR INCONTINENT PEOPLE

HIP'S POSITION STATEMENT REGARDING AVAILABILITY OF DISPOSABLE ABSORBENT PRODUCTS

All of us are concerned about waste management now and in the future and are desirous of the development of biodegradable or photodegradable materials. We have become aware that several states have introduced legislation to ban the sale of disposable absorbent products. Were disposable diapers, absorbent shields and underpads to be banned, this potentiates a serious social and hygienic problem for a growing elderly population, people of all ages with disabilities and their caregivers.

While it seems good and honorable that reusable products should take the place of non-biodegradable disposable absorbent products, reusable products have several potential disadvantages:

1. They may hold moisture and excreta close to the body precipitating skin rashes and erosion, and ultimately pressure ulcers (bed sores).
2. It is very difficult to control odors in environments where reusable products are used because they have no components that minimize odor. Thus, families and institutions may be embarrassed and disgusted by the foul smell of urine and stool when reusable cotton products are used.
3. It is impossible for many frail elderly people, their working younger family members and people with physical limitations to cope with heavy soiled cloth items and the associated laundry. It requires a place to store the soiled reusable products, a washing machine on the premises where the laundry can be done, a dryer to dry the wet linens, the strength to transfer clean wet clothes to a dryer, and the time, energy, and strength to remove the clean dry linens from the dryer and fold and store them again.

Few people who are wrestling with waste disposal have a close enough association with frail elderly persons and persons with disabilities to understand how devastating a ban on disposable absorbent products could be for them, their families, and their caregivers.

We applaud efforts to produce biodegradable and photodegradable disposable absorbent products, but not if research and development requirements will increase the cost of incontinence products for adults. The cost of these products is already more than many consumers can afford. Some people spend as much as \$300 per month on absorbent products and only rarely is the expenditure reimbursed. We share the concerns of all Americans for the preservation of our natural resources, but not at the expense of people with disabilities, frail elderly persons and their caregivers.

Board of Directors Approval, April 28, 1990

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16-2

The Diaper Dilemma

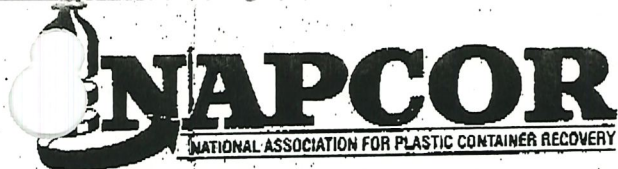
Kinder-Care Learning Centers, as child care professionals, are dedicated to providing a healthy and safe environment for young children. Because parents entrust us with the care of their children, we continually take steps to ensure their well-being. We stress awareness, prevention and common sense to our children, parents and employees. Parents and organizations nationwide have expressed concern about diapers and the environment. Kinder-Care has taken a common sense approach to the "diaper dilemma".

Proper care and procedures are taken by Kinder-Care professionals to ensure cleanliness and sanitation in the centers. Education contributes by helping staff to understand the causes of illness and appropriate preventive measures. To ensure proper sanitation standards, handwashing on a regular basis throughout the day as well as cleaning and disinfecting play, rest and food service areas are crucial to maintaining a healthy environment. The most modern diaper changing areas, along with convenient stainless handwashing sinks, are provided to every age group area wearing diapers at Kinder-Care.

In consultation with pediatric experts, Kinder-Care has determined that disposable diapers are more effective than reusable cloth diapers in containing urine and stool. Our caregivers find the disposable diaper more sanitary to handle when soiled and our experience confirms that the spreading of wastes into the child's play or sleeping area is minimized by the use of disposable diapers. We have further determined that disposable diapers contribute to minimizing skin rash in most cases.

But what about diapers and our environment? We know that whichever diaper system is used, some environmental effect will occur. The cloth diapers require more energy, water and more sewage treatment than does the manufacture and use of disposable diapers. Disposable diapers represent only a small part of solid waste. The latest numbers from the USEPA (Characterization of Municipal Solid Waste in the United States: 1990 Update, June, 1990) show diapers are 1.5% of overall solid waste. For comparison purposes, food and yard waste total 25% of solid waste. A recent publication from the EPA (The Garbage Problem: An Action Agenda, February, 1989) outlines a program to reduce solid waste. The EPA encourages an "integrated waste management" approach. This means using a combination of alternatives to handle our solid waste. Specifically, the EPA promotes: using less materials in product packaging; using recycled materials in products; composting discarded materials into useful soil; incinerating solid waste with proper environmental controls to create useful energy; and land-filling materials not handled by the other alternatives. Disposable diapers are compatible with the EPA-promoted methods for managing solid waste. The newer diapers with super-absorbent technology are thinner and have less volume going into solid waste. They also can be composted with other solid waste in municipal solid waste composting facilities. There is research that reports soiled disposable diapers do not create a health risk to the public. These studies show that "illness-causing" organisms do not survive in landfills so as to be hazardous to the general health of the public.





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NATIONAL ASSOCIATION FOR PLASTIC CONTAINER RECOVERY

TESTIMONY ON HB 2605

PRESENTED TO THE HOUSE COMMITTEE ON

ENERGY AND NATURAL RESOURCES

MARCH 28, 1991

The National Association for Plastic Container Recovery (NAPCOR) appreciates the opportunity to submit comments on HB 2605, comprehensive solid waste legislation.

NAPCOR is a non-profit trade association formed to facilitate the economical recovery of plastic containers through the collection, reclamation and development of end-use markets for post-consumer containers. NAPCOR was formed in 1987 by both resin producers and container manufacturers of polyethylene terephthalate (PET) plastic; at this time we are concentrating our efforts on the recovery of PET.

Member companies of NAPCOR include; Amoco Chemical, Continental PET Technologies, Eastman Chemical, Goodyear Tire and Rubber Co., Gulf States Cannery, Hoechst Celanese, ICI Americas, Johnson Controls, Inc., Sewell Plastics, Silgan PET Corporation, Southeastern Container, Inc., Western Container, and Yoshino America Corporation.

Two of NAPCOR's member companies, Johnson Controls and Sewell Plastics, have plants in Lenexa and Kansas City respectively. These plants produce PET plastic containers for sale across the country and employ several hundred Kansans.

PET is the world's most recyclable plastic. In 1989, 190 million pounds of PET was collected and recycled; that represents almost 28% of all PET plastic soft drink containers made in the U.S. in 1989. Our projections show a continued increase in the percentage of PET plastic containers that will be recycled. Post-consumer PET is second in value to aluminum.

Already, the current market capacity to utilize post-consumer PET is far greater than that currently collected. The estimated demand for post-consumer PET is 530 million pounds while 190 million pounds were collected in 1989. Capacity to process post-consumer PET will at least double within the next four years. This is a clear indication that the issue for PET plastic container recycling is that of collection, not markets.

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NAPCOR is interested in seeing that PET is recovered and recycled from the waste stream. HB 2605 represents an approach to solid waste management that is, in many ways, progressive and will address needs unique to Kansas. However, NAPCOR is concerned that certain provisions of the bill will work counter to recycling objectives.

The new Environmental Tax found in Section 10(3) places a one cent tax at the retail level on every two-liter plastic beverage container sold. NAPCOR support fees on the solid waste stream if that tax meets two criteria: equity and effectiveness. NAPCOR opposes sales taxes on individual products at the retail level as such taxes are regressive and do little to promote recycling efforts. There is no direct correlation between the higher price that consumers will have to spend for their recyclable items and the actual recycling of it.

In fact, the two most recyclable materials in the waste stream, PET plastic and aluminum, would be forced to fund the recycling infrastructure. NAPCOR opposes this discriminatory taxation of the waste stream.

NAPCOR supports other provisions of the bill such as the per tonnage fee on the solid waste stream collected at landfills and incinerators. This surcharge is an example of an equitable fee and relates directly to volume reduction of the waste stream, thereby encouraging recycling.

Thank you for your consideration of PET plastic container recycling. NAPCOR is available to assist your communities in establishing comprehensive recycling programs to meet the requirements of HB 2605 and other solid waste legislation.

Luke B. Schmidt
President