

Approved 2-13-1991  
Date

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources

The meeting was called to order by Senator Ross Doyen at  
Chairperson

8:04 a.m./~~p.m.~~ on February 6, 1991 in room 423-S of the Capitol.

All members were present except: Quorum was present.

Committee staff present:

Pat Mah, Legislative Research Department  
Raney Gilliland, Legislative Research Department  
Don Hayward, Revisor of Statutes  
Lila McClaflyn, Committee Secretary

Conferees appearing before the committee:

Senator Lana Oleen  
Larry Erickson, Kansas State University  
Wayne Probasco, Kansas Soft Drink Association  
Linda Richter, Kansas State University  
A. Samuel Sunderraj, Department of Health and Environment  
Walter Wulf, Jr., Chairman, Waste, Reduction, Recycling Commission  
Scott Andrews, Sierra Club  
Chiquita Cornelius, Executive Director, Kansas Business & Industry Recycling Program  
Spencer Tomb, President, Kansas Wildlife Federation, Inc.  
Joyce Wolf, Kansas Audubon Council  
Shawn McGrath, Kansas Natural Resource Council  
Terry Leatherman, Kansas Chamber of Commerce and Industry  
Major Joy Moser, Adjutant General's Department  
Pamela Sharp, Fort Riley  
Darrell Montei, Kansas Department of Wildlife and Parks

The meeting was called to order by the Chairman. He opened the hearing on SB 46 - requiring certain labeling of plastic bottles and containers, providing remedies for violations. He called on Larry Erickson.

Larry Erickson stated he is a professor at Kansas State University, but his testimony represents his personal views. The labeling of plastic containers will help those involved in the sorting and recycling of plastics. He suggested several amendments to the bill (Attachment 1).

Wayne Probasco said the soft drink industry is greatly in favor of recycling, and this bill appears to make it easier for separation of recyclable plastic (Attachment 2).

Senator Oleen primary sponsor of SB 46 showed different size plastic containers, and pointed out some of the containers had a code on the bottom. She said the code adds to the ease of sorting the containers for recycling, and urged the bill be reported favorably.

Linda Richter thought the legislation would provide leadership on the environmental issues, and encourage more cost-effective sorting and maximum recycling (Attachment 3).

A Samuel Sunderraj represented the Department of Health and Environment, their agency suggested some amendments. Attached to his testimony is a list of the states requiring plastic container coding as of January 1990 (Attachment 4).

Walter Wulf, Jr., representing the Waste, Reduction Recycling Commission said the Commission voted to recommend that legislation be adopted requiring coding on plastic bottles and containers (Attachment 5).

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources,  
room 423-S, Statehouse, at 8:04 a.m./p.m. on February 6, 1991.

Scott Andrews representing the Sierra Club urged the passage of SB 46 (Attachment 6).

Chiquita Cornelius, Kansas Business and Industry Recycling program supported SB 46. She thinks it will enhance the efforts to expand plastic recycling throughout Kansas. Attached to her testimony is a letter from Midwest Region of the Council for Solid Waste Solutions supporting SB 46 (Attachment 7).

Spencer Tomb said his organization supported the proposal. They did recommend an amendment to section 1, that would lower the minimum to 8 ounces for rigid plastic containers (Attachment 8).

Joyce Wolf, representing the Kansas Audubon Council expressed support for SB 46 (Attachment 9).

Shaun McGrath supported SB 46 with one amendment, on line 21 of the bill capacity be changed from 16 fluid ounces or more, to 8 fluid ounces or more (Attachment 10).

Terry Leatherman urged the Committee to support the bill (Attachment 11).

Senator Doyen closed the hearing on SB 46, and opened the hearing on SB 79 - relating to big game hunting; providing for the refund of fees paid therefor to certain military personnel.

Senator Oleen primary sponsor of SB 79, said she requested the bill because military personnel from Fort Riley had purchased big game permits and had been deployed to the Persian Gulf and did not have the opportunity to use them.

Major Joy Moser, representing the Adjutant General's Department support the enactment of the bill. They believe it shows that the legislature and the citizens of Kansas support the military who have been activated for the crisis in the Persian Gulf (Attachment 12).

Spencer Tomb testified in favor of SB 79 (Attachment 13).

Pamela Sharp, Fort Riley, said her husband Glen had to returned his deer tag unused because of his deployment to the Persian Gulf. Therefore, she supports the legislation that would refund the cost of the permit (Attachment 14).

Darrell Montei, Kansas Department of Wildlife and Parks said the Department supports the refund of fees to military personnel deployed to the Persian Gulf (Attachment 15).

Senator Sallee moved the minutes of the January 30 meeting be adopted. Senator Daniels seconded the motion. The motion carried.

Chairman Doyen requested Staff review the suggested amendments to SB 46, and prepare an amendment to incorporate the amendments suggested by conferees, and discussion on SB 46 and SB 79 will be held at a future meeting.

The meeting adjourned at 8:54 a.m. The next meeting will be on February 13, 1991.

1991 SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

Date Feb. 6, 1991

PLEASE PRINT

GUEST LIST

NAME

REPRESENTING

Joy D. Moser

The Adjutant General's Dept.

**Tom Becker**

" " "

Foyce Wolf

Ks. Audubon Council

Larry Erickson

Kansas State Univ.

Linda Richter

Kansas State Univ.

A. Samuel Sodererj

Ks Dept. of Health & Environment

Wayne Probasco

Ks Soft Drink Assn.

Jim Schwartzburg

Packer Plastics

Chizute Cornelia

K. BIRP

DEBBIE McCASKILL

COMMERCE

TERRY LEATHERMAN

KCCT

~~Walt Pryor~~

Darrell Montei

Waste Reduction, Recycling, & Market Development Commission, of Kansas

Scott Andrews

Ks. Wildf. & Parks

Michelle Kester

Sierra Club

Tom Tunnell

John Peterson + Associates

Tikka Duda

Kansas Inert & Chem Assn

WBSWA

STATE OF KANSAS



DIVISION OF THE BUDGET

JOAN FINNEY, GOVERNOR  
Gary Stotts, Acting Director

Room 152-E  
State Capitol Building  
Topeka, Kansas 66612-1578

(913) 296-2436  
FAX (913) 296-0231

February 7, 1991

The Honorable Ross Doyen, Chairperson  
Committee on Energy and Natural Resources  
Senate Chamber  
Third Floor, Statehouse

Dear Senator Doyen:

SUBJECT: Fiscal Note for SB 46 by Senators Oleen, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning SB 46 is respectfully submitted to your committee.

SB 46 would require persons who distribute, sell or offer for sale any plastic bottle or rigid plastic container in Kansas to label that container with a code indicating the type of plastic resin used to produce the bottle or container. The design of the code and code numbers indicating the various types of plastics are specified in the bill. In addition, the placement of the code is noted therein.

SB 46 further authorizes the Attorney General to provide written notice to any person in violation of this proposed law. Violation could result in a civil penalty of \$50 for each violation, not to exceed a total of \$500. Fines collected would be credited to the State General Fund.

Requirements of SB 46 would be effective on or after July 1, 1993.

According to the Office of the Attorney General, enactment of SB 46 would require, at the minimum, \$207,000 from the State General Fund. This annual total includes \$145,000 for one assistant attorney general, three investigators and one clerical employee. The remaining estimate of \$62,000 represents other operating expenditures including office furnishings and travel. These expenditures would be in excess of those recommended in the *FY 1992 Governor's Report on the Budget*.

The Honorable Ross Doyen  
February 7, 1991  
Page Two

As it is difficult to project the number of violations that might occur, it is therefore difficult to project with any degree of certainty the revenue impact that SB 46 would have on the State General Fund.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gary Stotts".

Gary Stotts  
Acting Director

cc: Neil Woerman, Attorney General's Office

2303

STATEMENT IN SUPPORT OF SENATE BILL NO. 46

My name is Larry Erickson; I am a professor of chemical engineering and director of the Center for Hazardous Substance Research at Kansas State University; however, this testimony represents my personal views on the bill.

There are several different types of plastics which are identified in the bill. Recycle and reuse of individual types of plastic is a commercial success at the present time. The proposed labeling of plastic containers will help those involved in the sorting and recycle of plastics. Nationally over 100,000,000 pounds of plastics were recycled in 1989. The potential amount of plastic available for recycle in Kansas is of the order of 100,000,000 pounds per year. Prices for recycled plastic pellets range from 19-45 cents per pound (BioCycle, January, 1991, page 40). Thus, about \$20,000,000 worth of plastics could be recycled.

The labeling used in Kansas should be that used elsewhere in the United States. The committee may wish to consider the following ideas:

1. Include within the bill the authority for a state agency such as KDHE to make changes in the labeling in response to national trends; this would allow for Kansas to remain current if there are any future changes in labeling.
2. The penalty for not including the label could be a tax of so much per container rather than a fine.

*E+NR*  
*2-6-91*  
*attachment 1*  
*pg. 1*

# 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 1993

**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.

February 6, 1991

Senate Energy and Natural Resources Committee

IN RE: Senate Bill No. 46

Dear Chairman Doyen and Members of the Committee:

My name is Wayne Probasco. I am the Executive Secretary of the Kansas Soft Drink Association.

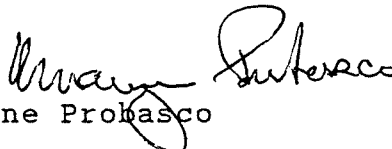
The Association is in favor of Senate Bill No. 46.

The soft drink industry is greatly in favor of recycling. The industry has been involved in recycling the containers of its own soft drink products for some time.

Our Association was one of the groups that assisted in the establishment of the Business Industry Recycling Program, which encourages and is a resource in assisting in recycling aluminum, paper, glass, cardboard, as well as any other product where a market can be located.

Plastic is a recyclable material. This bill appears to make it easier for separation so that recyclable plastic could be separated for handling for recycling.

Respectfully submitted,

  
Wayne Probasco

WP/jc

cc: File

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attachment 2  
pg 1

## Statement in Support of Senate Bill No. 46

My name is Linda Richter. I am a professor of political science at Kansas State University. My comments reflect both my teaching interest in public policy and my personal interest and experience in recycling.

It is my concern that the State of Kansas provide some leadership to the many Kansans ready to help on environmental issues. Senate Bill No. 46 is one effort to move in that direction. The bill imposes no hardships on plastics producers. It involves a minimal one-time expense to change the die-cast. Making plastic acceptable environmentally is in the producers' interest. The bill is practical. Some 20 states already have plastic labeling laws that have greatly facilitated the systematic and efficient recycling of plastic. By using the international code common to these states and other nations, Kansas assumes no economic disadvantage. Rather, it makes it that much easier for recyclers in this state to be assured that plastic collected here can be processed here or elsewhere in the most convenient and expeditious manner. To the degree that plastic becomes more readily recyclable, opportunities will exist to reduce waste, recover energy, and lengthen the lifespan of landfills.

The bill is necessary. Much plastic coming into the state does have the code. However, some doesn't which hampers cost-effective sorting and maximum recycling. Every state that adopts plastic labeling in effect encourages the cooperation of every other state. The sooner this labeling is adopted in Kansas the more plastic will get recycled. More than that, we enhance the likelihood that employment in recycling and perhaps jobs linked to recycled plastic production will be created in Kansas.

I would urge the committee to support SB #46.

*E. & N. R.  
2-6-1991*

*attachment 3  
Pg. 1*





# State of Kansas

~~Mike Hayden, Governor~~

Joan Finney, Governor

Department of Health and Environment

Office of the Secretary

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

Landon State Office Bldg., Topeka, KS 66612-1290

(913) 296-1522  
FAX (913) 296-6231

Testimony Presented to  
Senate Energy and Natural Resources Committee

by  
Kansas Department of Health and Environment

## SENATE BILL 46

Distinguishing one type of plastic from another is a nagging problem in separating plastics for recycling. Several states have passed legislation requiring coding of plastic. Plastic containers may not be sold or offered for sale in these states unless they have a molded imprint indicating the plastic resin used to produce the container. The plastics industry has voluntarily adopted a coding system.

The Kansas Commission on Waste Reduction, Recycling, and Market Development has reviewed the issue of recycling in depth. The intent of this bill is compatible with the recommendations of that group.

The bill does not impose any new requirements on the Department of Health and Environment. The enforcement authority is vested with the Attorney General.

The basic elements of the SPI voluntary coding system have met virtually unanimous support: each of seven different plastic resin types is to be designated by a number imprinted on the bottom of the containers. The primary aim is to assist recycling processors, not consumers, to make proper separation of resin types as may be appropriate to their recycling operations.

The Council for Solid Waste Solutions has drafted a plastic container coding legislation (attached). Provisions of Senate Bill 46 appear to be consistent with the Council's recommended legislation, except for a section dealing with failure to comply. The Council has inventoried other states which have adopted legislation dealing with coding of plastic bottles. Nineteen states have adopted legislation or have proposed regulations, adopting the Society of Plastics Industry coding program. In addition, eleven states have proposed legislation in 1990.

The coding mechanism outlined was developed as a voluntary effort by certain segments of the plastic container industry. Since then a number of states have passed legislation making coding mandatory within those states. The primary purpose of the marking system is to allow persons who wish to recycle, an opportunity to sort the varieties of plastic container products into the seven categories listed in the bill. Practically all of the post-

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attachment 4

consumer recycling systems presently in operation require manual sorting of the different types of plastics from the waste stream and then from each other. The department believes that containers in which consumer products are marketed are, for the most part, already coded with the markings.

Several incongruities exist in the approach taken by Senate Bill 46. These are:

- (1) The size limitations imposed in the definitions of bottle and container;
- (2) If it is desirable to encode plastic containers for recycling, then why not require encoding of other plastic items marketed as consumer goods?;
- (3) It is not clear in section (1)(b) just who the person is who distributes, offers for sale or sells the container or the bottle. At what point does prohibition kick in? Using the example of a milk jug -- Who is the responsible party? Is it the person selling an empty jug to the dairy, the dairy who fills the jug, the wholesale grocer or the grocer who sells at retail? Or all four?
- (4) Finally, some environmental groups have objected to the use of the universal recycling symbol as a part of the code. They argue an item isn't recyclable until or unless there exists an opportunity to recycle that item. For several of the plastic products there are no practical methods of recycling available at this time.

Thank you for your attention. I am happy to answer any questions that I can.

Testimony presented by: A. Samuel Sunderraj  
Environmental Engineer  
Bureau of Air and Waste Management  
Division of Environment  
February 6, 1991

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attachment 4

Council for Solid Waste Solutions

DRAFT  
PLASTIC CONTAINER CODING

A bill to require the labelling of certain plastic products; to provide for the powers and duties of certain state departments and officials and to prescribe penalties and remedies.

Section 1: As used in the act:

- (a) "Department" means the department of environmental quality.
- (b) "Label" means a molded, imprinted or raised symbol on or near the bottom of a plastic container or bottle.
- (c) "Person" means an individual, sole proprietor, partnership, association, corporation or other legal entity.
- (d) "Plastic" means any material made of polymeric organic compounds and additives that can be shaped by flow.
- (e) "Plastic bottle" means a plastic container intended for single use that has a neck that is smaller than the body of the container, accepts a screw-type, snap cap or other closure and has a capacity of 16 fluid ounces or more, but less than five gallons.
- (g) "Rigid plastic container" means any formed or molded container, other than a bottle, intended for single use, composed predominantly of plastic resin, and having a relatively inflexible finite shape or form with a capacity of 8 ounces or more but less than five gallons."
- (h) "Container," unless otherwise specified, refers to "rigid plastic container" or "plastic bottle" as those terms are defined above.

Section 2:

- (1) The provisions of this Section and any rules or regulations adopted hereunder shall be interpreted to conform with nationwide plastics industry standards.
- (2) "On or after July 1, 1991, no person shall distribute, sell or offer for sale in this state any plastic bottle or rigid plastic container unless such container is labeled with a code identifying the appropriate resin type used to produce the structure of the container. The code shall consist of a number placed within three triangulated arrows and letters placed below the triangle of arrows. The triangulated arrows shall be equilateral, formed by three arrows with the apex of each point of the triangle at the midpoint of each arrow, rounded with a short radius. The pointer (arrowhead) of each arrow shall be at the midpoint of each side of the triangle with a short gap separating the pointer from the base of the adjacent arrow. The triangle, formed by the three arrows curved at their midpoints shall depict a clockwise path around the code number. The numbers and letters used shall be as follows:

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*attachment 4*

- (a) 1. = PETE (polyethylene terephthalate)
- (b) 2. = HDPE (high density polyethylene)
- (c) 3. = V (vinyl)
- (d) 4. = LDPE (low density polyethylene)
- (e) 5. = PP (polypropylene)
- (f) 6. = PS (polystyrene)
- (g) 7. = OTHER

- (3) The department shall maintain a list of the label code provided in subsection (2) and shall provide a copy of that list to any person upon request.

Section 3:

- (1) After being notified that a plastic container does not comply with the rules under Section 2, a person who violates Section 2 is subject to a civil penalty of \$50 for each violation up to a maximum of \$500 and may be enjoined from such violations.

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*attachment 4*

## STATES REQUIRING PLASTIC CONTAINER CODING

Prepared by the Council For Solid Waste Solutions January 7, 1990

The following states require the coding of plastics bottles of 16 ounces or more and other rigid plastic containers of 8 ounces or more following the Society of the Plastics Industry voluntary coding program.

### DEADLINE FOR CODING

January 1, 1990	Connecticut
July 1, 1990	Florida
January 1, 1991	Wisconsin - regulations pending Illinois Minnesota - proposed regulations Missouri Louisiana Ohio New Jersey
July 1, 1991	Texas Massachusetts Maine North Carolina
December 31, 1991	North Dakota
January 1, 1992	Michigan California Indiana
July 1, 1992	Iowa Colorado

Note: New Hampshire has enacted legislation to establish a state recycling emblem program which recognizes and protects the SPI voluntary coding program as a distinct material identification system.

**1990 Proposed Legislation:** Alaska, Arizona, Georgia, Kentucky, Oklahoma, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia

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attachment 5*

Energy and Natural Resources Committee of the Kansas Senate

Presentation

Wednesday February 6, 1991

Chairman Doyen and members of the committee:

I'm Walter Wulf Jr. Chairman of the Waste Reduction, Recycling, and Market Development Commission, and Executive Vice President of The Monarch Cement Company. On behalf of the commission, I am here to support the bill requiring labeling of plastic bottles and containers. The commission heard testimony and discussed this issue at our meeting held December 5, last year. On January 9th of this year the commission discussed the issue further with the result that the members present, without dissent, voted to recommend that legislation be adopted requiring plastic coding on plastic bottles and plastic containers. The commission reviewed a draft of the bill presented to the commission by Senator Oleen. The commission supports her efforts and the efforts of the other sponsors.

Speaking no longer for the commission but now as one who has been active in economic development in Kansas for many years, I am interested in the potential evolution of plastics coding into recycling facilities located in Kansas resulting in jobs for Kansans. Quoting from a book entitled The Green Consumer (John Elkington, Julia Hayes and Joel Makover; Penguin Books, 1990, pg. 42) "Recycling creates six times as many jobs as does landfilling and incineration." Adopting a recognized system of coding in Kansas is essential for the establishment of a method to assist material separators in identifying which bottles can be recycled. The system will also aid environmentally conscious consumers in choosing containers that have potential for recycling.

Although recycling would be my personal preference for disposing of plastics there is another possibility for those plastics with no existing market. Plastics represent energy and the potential is there for recovery of that energy through incineration in industrial boilers and furnaces. Depending on the type of incineration process, it may be necessary to sort these plastics, and marking by code is inherent to the sorting process.

In closing, let me say that recycling and resource recovery make sense for Kansas. This bill makes sense for Kansas. The Recycling Commission and I urge you to support it.

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attachment 5*



# SIERRA CLUB

## Kansas Chapter

724 1/2 S. Kansas Ave.  
Topeka, KS 66603

### Testimony to Senate Energy and Natural Resources

#### S.B. 46 Plastic Container Labeling

I am Scott Andrews representing the 3300 members of the Kansas Chapter of the Sierra Club. I am here to voice our support of S.B. 46. We believe this bill is a small but important part of changing the laws in this nation to favor recycling and recycled products. As we even the playing field between recycled and virgin materials and increase recycling we will save energy and material resources. This will help to reduce pollution, solid waste and make our economy more competitive with the rest of the world.

One difficulty in recycling plastic is in determining the type of plastic resin from which an item is made. Each of several classes of resins must be treated differently in the recycling process and so must be identified and sorted by type. This bill will bring Kansas in line with a majority of the states which have enacted this industry backed uniform code.

The Sierra Club would like to urge the committee members to support S.B. 46 and help facilitate the future recycling of plastics in Kansas.

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Attachment 6  
Pg 1*



Testimony

February 6, 1991

Senate Energy and Natural Resources Committee

SB 46

Plastic Containers Coding System

Mr. Chairman and Members of the Committee:

I am Chiquita Cornelius, Executive Director of the Kansas Business and Industry Recycling Program.

As you know the Society of the Plastics Industry, Inc. (SPI) developed the voluntary coding system for plastic containers which identifies bottles and other containers by material type. The industry fostered the coding system to provide a uniform system for coding that meets the needs of the recycling industry, as defined by the recyclers and collectors themselves.

We support efforts to ensure that the national uniform system is used in Kansas and surrounding states for we feel it will enhance our efforts to expand plastic recycling throughout Kansas. We have already incorporated information on the coding system in our Recycling Directory published in late 1990 so that we could start educating the public on how to identify plastic bottles by resin type.

We are proud of the programs our members have implemented to collect plastic containers in Kansas for recycling and are dedicated to increasing and expanding upon these programs.



Attached to my testimony you will find a letter from The Council for Solid Waste Solutions which supports passage of SB 46 as drafted and a list of the twenty-seven states that have endorsed the coding system developed by SPI.

Respectfully submitted,

  
Chiquita Cornelius



Francis M. Fitzgerald, II  
Midwest Region  
Government Affairs Manager

February 1, 1991

Chiquita Cornelius  
Executive Director  
Kansas BIRP  
2231 SW Wanamaker Road  
Suite 200  
Topeka, KS 66614

Dear Chiquita:

Thank you for sending us a copy of SB 46. After reviewing the proposal I wanted to send you the following comments.

The Council for Solid Waste Solutions supports the voluntary use of the coding system and uniform enforcement. SB 46 follows the national model code in all respects. We support efforts in Kansas to recycle plastic and in this regard we think SB 46 should pass as drafted. This will ensure a uniform system throughout the midwest and the rest of the country. Currently 27 states have passed a form of this legislation however, SB 46 is right on target and mirrors again the national model.

Enclosed is a listing of all the states which have adopted SPI's plastic container coding system, and background information on coding.

Sincerely,

Francis M. Fitzgerald  
Midwest Government Affairs Manager

First National Bank Building  
332 Minnesota Street,  
Suite E-916  
St. Paul, MN 55101  
612.222.8628  
FAX: 612.222.6057

A Division of  
The Society of the Plastics Industry, Inc.  
recycled paper

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*attachment 7*  
*pg 2 of 2*

# Kansas Wildlife Federation, Inc.

P.O. Box 5715  
Topeka, Ks. 66605

Affiliate of National Wildlife Federation  
913/266-6185

200 S.W. 30th  
Suite 106  
Topeka, Ks. 66611

~~January~~  
February  
January 6, 1991

SENATE ENERGY & NATURAL RESOURCES COMMITTEE

SB 46: STANDARDIZED LABELING OF PLASTIC BOTTLES & CONTAINERS

I am Spencer Tomb, President of the Kansas Wildlife Federation. The Federation is a non-profit wildlife and natural resource conservation and education organization. Our volunteer membership joins with the members of our national affiliate, the National Wildlife Federation, to support the wise use and sustained management of our vital air, water, soil, forest and wildlife resources.

The Kansas Wildlife Federation supports this legislation which is another step toward reducing the demand on solid waste landfills.

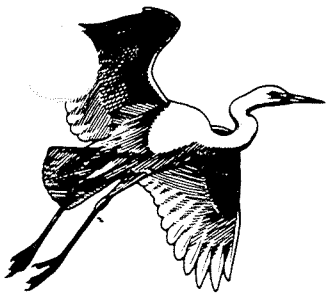
We also support the provisions for violation through the Attorney General as stated on page 2, Section 1(c), Lines 4-14.

The Federation isn't sure of 16 fluid ounce minimum as stated for "plastic bottles" in Section 1, Lines 21 and 22, and would ask the Committee to consider lowering this minimum to 8 ounces as for "Rigid plastic container".

Thank you for this opportunity to testify in support of SB 46.

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Attachment 8  
Pg 1



# Kansas Audubon Council

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SB 46

February 6, 1991

Senate Energy and Natural Resources Committee

I am Joyce Wolf, legislative liason for the 5000 Kansas members of the National Audubon Society who support the wise use and protection of our natural resources. One of the ways to protect our natural resources, is to promote reuse and recycling of materials, thereby keeping virgin raw materials in reserve for the future. The Council supports SB 46 because it will facilitate plastics separation by type, and therefore make them more easily recyclable. The coding system called for in SB 46 was developed in 1988 by the Plastic Bottle Institute, and several other states already require this system of labelling. Without this kind of label, it is extremely difficult to differentiate one kind of plastic from another, and makes recycling more problematic.

According to a study done by Franklin Associates, of the 160 million tons of municipal solid wastes generated annually in the United States, plastics comprise apporximately 7% by weight and 18% by volume. If this bill results in being able to recycle only half of the plastics being used, we still could save nearly 10% of our needed landfill space.

Kansans are fortunate to be served by Dillon's Stores which have voluntarily begun recycling certain plastic containers. While there are currently few markets for the other types of plastic bottles and containers, hopefully those markets will have begun to be developed by the time this bill takes effect. In that regard, the Council believes this bill sends an important signal to business and industry that Kansans are serious about reducing the amount of materials going to our landfills. By promoting the recyclability of plastics, a more steady supply of materials can be assured -- something that is crucial to the development of markets for recyclable materials. SB 46 is one more tool that Kansas can use to properly manage its solid waste stream.

We appreciate the opportunity to express our support of SB 46 and urge the committee to vote favorably on it.

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Pg 1*

# Kansas Natural Resource Council

February 6, 1991

Testimony to the Senate Energy and Natural Resources Committee

Re: SB 46 - Concerning Plastics Coding

From: Shaun McGrath, Program Director

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

The Kansas Natural Resource Council supports passage of SB46. Twenty seven states have already passed plastics coding laws including our neighboring states, Missouri, Colorado, and Oklahoma.

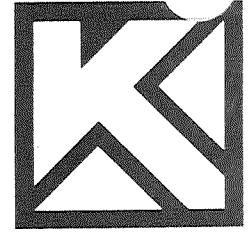
The coding system contained in the bill will greatly facilitate recycling, creating a situation whereby both industry and the consumer benefit. Industry and consumers support this bill. Indeed, the idea of coding plastic containers by their resin composition originated from the plastics industry. SB46 is very similar to model legislation developed by the plastics industry.

KNRC would like to offer one amendment, which would make plastic beverage containers also subject to the coding. On line 21, we suggest that the capacity be changed from 16 fluid ounces or more, to 8 fluid ounces or more.



ENR  
2-6-91  
Attachment 10

# LEGISLATIVE TESTIMONY



## Kansas Chamber of Commerce and Industry

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A consolidation of the  
Kansas State Chamber  
of Commerce,  
Associated Industries  
of Kansas,  
Kansas Retail Council

SB 46

February 6, 1991

### KANSAS CHAMBER OF COMMERCE AND INDUSTRY

Testimony Before the  
Senate Committee on Energy and Natural Resources  
by

Terry Leatherman  
Executive Director  
Kansas Industrial Council

Mr. Chairman and members of the Committee:

I am Terry Leatherman with the Kansas Chamber of Commerce and Industry. Thank you for this opportunity to express the Kansas Chamber's support for SB 46.

The Kansas Chamber of Commerce and Industry (KCCI) is a statewide organization dedicated to the promotion of economic growth and job creation within Kansas, and to the protection and support of the private competitive enterprise system.

KCCI is comprised of more than 3,000 businesses which includes 200 local and regional chambers of commerce and trade organizations which represent over 161,000 business men and women. The organization represents both large and small employers in Kansas, with 55% of KCCI's members having less than 25 employees, and 86% having less than 100 employees. KCCI receives no government funding.

The KCCI Board of Directors establishes policies through the work of hundreds of the organization's members who make up its various committees. These policies are the guiding principles of the organization and translate into views such as those expressed here.

KCCI's members have recognized that a hierarchy exists in the preferred methods of managing solid wastes produced in Kansas. It is certainly better to reuse or recycle a

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waste product than to send it to a landfill. In keeping with this solid waste hierarchy, KCCI will support economically responsible proposals which encourage the recycling of solid wastes.

Legislation to require the labeling of the plastic resin used to produce a single use container, as required in SB 46, is an example of a common sense approach to encourage the recycling of plastic products. SB 46 taps into a system developed by the Society of the Plastics Industry. The SPI coding system has already been adopted in 28 states and information about the system has been widely distributed to plastic bottle and container manufacturers and the recycling community.

KCCI applauds the authors of this legislation for striving to add Kansas to the growing list of states to embrace this industry-developed initiative to streamline the process of recycling plastic containers, and urges this Committee to approve SB 46. Thank you for considering KCCI's position on SB 46. I would be happy to attempt to answer any questions.

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**PRESENTATION  
FOR  
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE  
TUESDAY, FEBRUARY 6, 1991**

**MR. CHAIRPERSON AND MEMBERS OF THE COMMITTEE:**

My name is Joy Moser. I'm the legislative liaison for The Adjutant General's Department. I am appearing on behalf of The Adjutant General, Brigadier General James F. Rueger. General Rueger is presently at a conference out of state.

We support the enactment of Senate Bill 79 which provides for refund of fees for those who have purchased big game permits and have been activated for the Persian Gulf crisis. Many military people upon activation suffered a drastic change in pay status. So although the fees and permit amounts are somewhat small, every refund or assistance is very welcome. We feel it is especially appropriate for those who were unable to use the permits which they paid for due to circumstances beyond their control.

Beyond the amount of money involved, this Bill is most important for the support that it shows that the legislature, the state of Kansas and the citizens are providing to the members of the military who have been activated for the crisis in the Persian Gulf. It's an extremely important morale factor to know that you are being supported at home.

For these reasons we would ask that you would pass Senate Bill 79.

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# *Kansas Wildlife Federation, Inc.*

200 S.W. 30th, Suite 101 • P.O. Box 5715 • Topeka, KS 66605

Testimony on Senate Bill 79

February 6, 1991

Mr. Chairman and members of the Committee, My name is Spencer Tomb; I am from Mannattan and I currently serve as President of the Kansas Wildlife Federation. I am here to testify in favor of SB 79.

The Kansas Wildlife Federation is a non-profit wildlife and natural resource conservation and education organization. Our volunteer membership joins with the members of our national affiliate, the National Wildlife Federation to support the wise use sustained management of our vital air, water, soil, forest and wildlife resources.

The Federation is strongly in favor of fair and equitable user fees for all who use our natural resources. These fees are the foundation of the system that funds wildlife resource management in Kansas. The Kansas Wildlife Federation generally opposes exemptions and refunds that erode this funding base. Nevertheless we cannot oppose the one time refund of big game permit fees to those who did not have an opportunity to hunt because of their service to our country due to the Persian Gulf war.

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TESTIMONY ON SB 79

SENATE ENERGY & NATURAL RESOURCES COMMITTEE

Wednesday, February 5, 1991

Dear Chairman Doyen and Members of the Committee:

Good morning. My name is Pamela Sharp and I live on post at Fort Riley. My husband, Glen, applied for a hunting permit with the Kansas Department of Wildlife & Parks, as did a number of soldiers stationed at Fort Riley.

He has returned his deer tag, unused because of his deployment with the 1st Infantry Division to the Persian Gulf. Since he and other soldiers were unable to hunt this season, I request your favorable consideration of Senate Bill 79 which would make available a refund to those persons who were unable to use the permits due to deployment.

Thank you for your consideration.

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*Darrell Monte*

Senate Bill #79

Testimony Provided to the Senate Energy and Natural Resources  
Committee.

Provided by: Kansas Department of Wildlife and Parks

Date: February 6, 1991

Senate Bill #79 would authorize payment of big game permit refunds to those members of the armed forces preparing to deploy or deployed to the Persian Gulf area on or before the start of the big game season. The effect is to allow those specific individuals that could not hunt to apply for and receive a refund on the unused permit.

Impact on the Department would be slight as only 9 individuals have applied for a refund. It is difficult to estimate, but the Department is guessing that 50 people may take advantage of the opportunity.

The Department supports S.B. 79 and will attempt to make the application and refund procedure as simple as possible.

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