

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Senator David Corbin at 8:00 a.m. on February 10, 2000 in 245-N of the Capitol.

All members were present except: Senators Huelskamp and Pugh who were excused.

Committee staff present:

Raney Gilliland, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes Office
Lila McClafin, Committee Secretary

Conferees appearing before the committee:

Clint Riley, Attorney, Kansas Department of Wildlife and Parks

Others attending:

See attached list.

With a motion from Senator Morris and a second from Senator Tyson the minutes of February 8, 2000 were approved.

Information from United States Environmental Protection Agency (EPA), regarding carbon tetrachloride dated June 1992, was distributed to the committee (Attachment 1)

The hearing on **SB 537-Extending the geese season** was opened.

Clint Riley, Attorney, Kansas Department Wildlife and Parks (KDWP), said they opposed **SB 537** as it is in conflict with the Migratory Bird Treaty Act of 1918 (as amended). The federal regulations establishing the Conservation Order required that states enact certain measures in order to harvest light geese outside the hunting season. The Conservation Order has since been withdrawn, however due to procedural requirements including public comment periods, publication in the Kansas Register, and other necessary approvals, the regulation would not be effective until at least April 7, 2000. It was believed that the Conservation Order would be largely ineffective in Kansas by that late date.

Mr. Riley outlined what the department is currently doing to put temporary regulations in place to extend the season for taking of light geese. KDWP has requested a hearing in front of the State Rules and Regulations Board for next week, at which point it will submit the necessary light goose regulation for approval. If approved, the federal Conservation Order will become effective March 11, 2000. As soon as the meeting time and place is set he would be glad to provide this information to the committee members, and they would be welcome to attend. Mr. Riley responded to questions (Attachment 2).

Mr. Riley's closing comments assured the committee that a process is being worked on to extend the time for harvesting of light geese.

Chairperson Corbin thanked Mr. Riley for his remarks. The hearing on **SB 537** was closed.

The meeting adjourned at 8:48 a.m. The next scheduled meeting will be on February 15, 2000.



EPA Facts About *Carbon Tetrachloride*

June 1992

What is carbon tetrachloride?

Carbon tetrachloride (CCl_4) is a clear, heavy liquid with a sweet odor. Because it evaporates very quickly, most CCl_4 that escapes into the environment is found in the air as a gas. Small amounts can also be found dissolved in water.

CCl_4 does not occur naturally. It is produced in large quantities to make refrigerants and propellants for aerosol cans. Since these products have been found to affect the earth's ozone layer, production of these chemicals is being phased out. Consequently, the manufacture and use of CCl_4 will also tend to decline.

In the past, CCl_4 was widely used as a cleaning fluid, both in industry, where it served as a degreasing agent, and in the household, where it was used to remove spots from clothing, furniture, and carpeting. Because CCl_4 does not burn, it was also used in fire extinguishers. These uses were discontinued in the mid-1960s. Until recently, CCl_4 was used to fumigate grain, but this was stopped in 1986.

CCl_4 is very stable and, therefore, remains in the environment. Although it is broken down by chemical reactions in air, this happens so slowly that it takes between 30 and 100 years for one-half of the original amount of CCl_4 to be destroyed.

How might exposure to carbon tetrachloride occur?

Past and present releases of CCl_4 have resulted in low levels of this compound being dispersed throughout the environment. In air, concentrations of 0.1 parts per billion (ppb) are common around the world, with somewhat higher values (0.2 to 0.6 ppb) in cities. The term "parts per billion" is a way of expressing the concentration of a contaminant in a liquid or air. One part per billion is equal to one inch in a distance of about sixteen thousand miles, or a penny in ten million dollars, a very small amount. CCl_4 is also found in some drinking water supplies, usually below 0.5 ppb. Exposure to levels of CCl_4 higher than these typical background levels may occur at industrial locations where CCl_4 is still used or near waste sites where releases into air, water, or soil are not properly controlled. Exposure from such sites could occur by breathing CCl_4 in air, by drinking water contaminated with CCl_4 , or by getting contaminated soil on the skin. CCl_4 has been found in water or soil at about 7% of the waste sites investigated under *Superfund*, at concentrations from less than 50 to over 1,000 ppb.

How can carbon tetrachloride affect human health?

Exposure to high levels of CCl_4 can cause a number of harmful health effects, including death. The most immediate health effects usually involve the brain. Common effects are headaches and dizziness, along with nausea and vomiting. In severe cases, stupor or even coma may result. These effects usually disappear within a day or two following exposure, but permanent damage to nerve cells may occur in severe cases.

The liver is especially sensitive to CCl_4 . In mild cases, the liver becomes swollen and tender, and fat tends to build up inside the tissue. In severe cases, many cells may be killed, leading to decreased liver function.

The kidneys are also sensitive to CCl_4 , with the main effect being a decrease in urine formation. This can lead to accumulation of water in the body (especially in the lungs) and buildup of waste products in the blood. Kidney failure is often the main cause of death in people who die as a result of exposure to CCl_4 .

Fortunately, if injuries to the liver and kidneys are not too severe, these effects disappear once exposure ceases. This is because both organs can repair damaged cells and replace dead tissue. Function is often nearly normal within a few days or weeks following exposure. CCl_4 also causes harm to other tissues in the body, but this is not usually as important as the effects on the liver, kidneys, and brain. Limited information from animal studies indicates that CCl_4 does not cause birth defects, but might decrease the survival rate of newborn animals. Most information on the health effects of CCl_4 in humans stems from cases in which individuals have been exposed only once or for a short period of time to relatively high levels of the chemical. Studies of the effects of long-term exposure to low levels of CCl_4 on humans have not been performed and the effects of such exposures are unknown. Senate Energy & Natural Resources

Attachment: /

Date: 2-10-2000

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Are there a medical test to identify carbon tetrachloride exposure?

Several very sensitive and specific tests can detect CCl_4 in exposed persons. The most convenient way is simply to measure CCl_4 in exhaled air; CCl_4 can also be measured in the blood, fat, or other tissues. Because special equipment is needed, these tests are not routinely performed in doctors' offices. Although these tests can identify exposure to CCl_4 , the test results cannot yet be used to predict harmful health effects. Because CCl_4 is removed from the body fairly quickly, these methods are best suited to detection of exposures that have occurred within the past several days.

How can carbon tetrachloride enter and leave the body?

Carbon tetrachloride can enter the body through the lungs by breathing air containing CCl_4 , or through the stomach by swallowing food or water containing CCl_4 . Liquid CCl_4 can also pass through the skin into the body. Most CCl_4 is exhaled through the lungs within a few hours. Some CCl_4 in the body is temporarily absorbed by fat, and is then removed more slowly by the lungs.

What recommendations has the federal government made to protect human health?

The federal government has limited or banned the use of CCl_4 in most common household products and fire extinguishers, and has discontinued its use as a grain fumigant. The U.S. Environmental Protection Agency (EPA) has also set limits on the amount of CCl_4 released from an industrial plant into waste water, and is preparing to set limits on the amounts of CCl_4 released into outside air. One additional case of cancer may result in a group of 100,000 people exposed to CCl_4 in concentrations above 4 parts per billion in air or water over a period of 70 years.

What levels of exposure have resulted in harmful health effects?

Not all people are affected equally by exposure to CCl_4 . Individuals who drink alcohol are usually much more susceptible than people who do not. Most serious or fatal cases of CCl_4 toxicity have involved people who have had several alcoholic drinks before or during exposure to CCl_4 .

GLOSSARY

Background Levels: The concentration of any substance which would normally be found in an area. This level is used as a basis of comparison in identifying contamination levels.

Fumigant: Substance producing fumes used to disinfect or to destroy pests.

Superfund Program: The program operated under the legislative authority of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) that funds the EPA solid waste emergency and long-term removal and remedial activities.

Toxicity: The degree to which a substance acts as a poison.

For more information about Carbon Tetrachloride, please contact EPA at the following address:

U.S. Environmental Protection Agency
ATTN: Superfund Hotline
401 M Street, S.W.
Washington, D.C. 20460
1-800-424-9346 or 1-800-535-0202

The information contained in this fact sheet was compiled from the Toxicological Profile for Carbon Tetrachloride, Agency for Toxic Substances and Disease Registry, U.S. Public Health Service, in collaboration with the U.S. Environmental Protection Agency, December 1989. This fact sheet focuses on the impact of hazardous wastes on human health; however, EPA does evaluate these impacts on the environment, including plants and animals.



STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

Office of the Secretary
900 SW Jackson, Suite 502
Topeka, KS 66612-1233
785/296-2281 FAX 785/296-6953



SENATE BILL NO. 537

**Testimony Provided to
Senate Committee on Energy and Natural Resources
February 10, 2000**

Senate Bill No. 537 would extend the regular hunting season in Kansas for light geese (including Ross' and snow geese) to April 10, 2000, from its currently established statewide closing date of March 10, 2000. Although the department recognizes the desirability of allowing the harvest of light geese beyond March 10, 2000, this bill would step beyond state authority in the establishment of migratory bird hunting seasons.

Need for Increased Harvest of Light Geese

The long-term increase in the number of mid-continent light geese has reached a level more than double the population objective established in current management plans. These large numbers are resulting in severe habitat degradation on their Arctic breeding grounds, which may take decades, if not centuries, to recover. The high numbers of light geese also have detrimental impacts in Kansas, most predominantly concerning crop depredation that can occur when large populations gather on agricultural fields.

Conflicts with the Migratory Bird Treaty Act

As written, SB 537 is in conflict with the Migratory Bird Treaty Act of 1918 (as amended) which implements treaties with Great Britain (for Canada in 1916), Mexico (1936 and as amended in 1972), Japan (1972 and as amended in 1974), and the Soviet Union (1978).

States have considerable involvement in migratory game bird management. However, the U. S. Fish and Wildlife Service (USFWS), by convention and law, has preeminent responsibility and authority for migratory birds. Annual federal regulations contain a category called framework regulations, which include outside dates for opening and closing seasons, season length, and daily bag limit. Outside dates for opening and closing seasons and season length relate directly to the Migratory Bird Treaty Act (Act) which specifies limits for each. The Act specifies that, for most birds and areas, seasons fall between September 1 and March 10, although they are occasionally more restrictive, and season lengths may not exceed a maximum of 107 days. SB 537 would violate both of these terms of the Act by extending the regular light goose season in Kansas beyond March 10 and by lengthening the season to 138 total days, 31 more than the 107 days allowed.

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Actions Taken by the Federal Government

In February of 1999, the USFWS adopted regulations allowing the use of hunting methods for hunting light geese when all other migratory bird seasons are closed, including methods normally prohibited by law. In addition, they established a "Conservation Order" under the authority of the federal Act. Most important, this Conservation Order would allow the harvest of light geese outside of established hunting seasons, subject to certain conditions.

However, the Humane Society of the United States, and other groups, filed suit alleging that the regulations establishing the Conservation Order violated NEPA requirements. As a result of the legal challenge, the USFWS withdrew the regulations pending completion of an Environmental Impact Statement, which was anticipated to take well over one year to complete. At the urging of conservationists, Congress then passed the Arctic Tundra Habitat Emergency Conservation Act in the fall of 1999, requiring the USFWS to reinstate the earlier regulations despite the legal challenge. The regulations were then finalized on December 20, 1999.

Actions Taken by KDWP

The federal regulations allowing additional hunting methods take effect without any state action, just as do any normal migratory bird regulations promulgated by the USFWS. However, the federal regulations establishing the Conservation Order require that a state enact certain measures in order to harvest light geese outside the hunting season. These measures include designation of persons eligible to participate in the Conservation Order and conditions under which they may participate, as well as measures to survey participants and report when, how, and how many light geese are taken pursuant to the measure.

When the Conservation Order was first promulgated by the USFWS in the winter of 1999, KDWP began development of a regulation that would meet the USFWS requirements. Although the Conservation Order was withdrawn, KDWP intended to proceed with the state regulation, in anticipation of the Conservation Order being reinstated either through congressional action or through completion of the EIS. However, the Attorney General's office ruled that a state regulation may not be developed that would defer to a future federal action. Consequently, KDWP was forced to delay development of the necessary state regulation until after December 20, 1999, when the federal action was complete. KDWP immediately restarted the process to adopt the regulation at that time. However, due to procedural requirements including public comment periods, publication in the Kansas Register, and other necessary approvals, the regulation would not be effective until at least April 7, 2000. It is believed that the Conservation Order would be largely ineffective in Kansas by that late date.

Current Plans

State law does provide for temporary regulations when "preservation of the public peace, health, safety or welfare necessitates or makes desirable putting such rule and regulation into effect" faster than it would otherwise become effective (K.S.A. 1999 Supp. 77-422(a)). Temporary regulations become effective immediately upon approval, without additional public

comment period or other delay. Approval of a temporary regulation is the responsibility of the State Rules and Regulations Board, which consists of the Chair and Vice Chair of the Joint Committee on Rules and Regulations, the Attorney General, the Secretary of State, and the Secretary of Administration (or their designated representatives).

KDWP has requested a hearing in front of the State Rules and Regulations Board for next week, at which point it will submit the necessary light goose regulation for approval. If approved, the federal Conservation Order will become effective March 11, 2000.

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