

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Carolyn McGinn at 8:30 a.m. on February 12, 2009, in Room 446-N of the Capitol.

All members were present.

Committee staff present:

Jason Thompson, Revisor of Statutes Office
Corey Carnahan, Kansas Legislative Research Department
Raney Gilliland, Kansas Legislative Research Department
Alissa Vogel, Committee Assistant

Conferees appearing before the committee:

Ken Corbet, Owner, Ravenwood Lodge; Vice President, Kansas Sport Hunting Association
Steve Swaffar, Director of Natural Resources, Kansas Farm Bureau
Wes Traul, Guiding Outfitter, Farmer and Rancher
Cindy Kemper, Director, Johnson County Environmental Department
John Bottenberg, Deffenbaugh Industries (written only)
Melissa Wangemann, General Counsel, Kansas Association of Counties (written only)
Bill Bider, Director for the Bureau of Waste Management, Kansas Department of Health and Environment
Steve Kearny, Waste Management

Others attending:

See attached list.

The meeting began with the continued hearing on **SB 189 - Creating an outfitter license**. Senator McGinn introduced Ken Corbet, Owner of Ravenwood Lodge and Vice President of the Kansas Sport Hunting Association. Mr. Corbet stood in opposition to **SB 189** and provided Committee members with a brief explanation. (Attachment 1) He stated that **SB 189** would hurt agri-tourism and provide no additional economic benefit. Outfitter licensing requirements were abandoned four years ago, due to the unfairness to newcomers, landowners, ranchers, farmers and the liability it placed on the Department of Wildlife and Parks. **SB 189** would limit people from entering the outfitter business and be detrimental to small businesses.

He stood for questions.

Steve Swaffar, Director of Natural Resources from the Kansas Farm Bureau (KFB), stood in opposition to **SB 189**. (Attachment 2) He stated that the KFB is not opposed to the creation of an outfitter license, but it is opposed to language that only provides an exemption to a landowner from licensing exclusively on owned land. Many KFB members are farmers who lease ground for agricultural purposes and are given hunting rights to the property. If required to obtain a license, many farmers would close acres to hunting, favoring commercial hunting operations. He suggested adding the language "or leased for agricultural purposes" in line 26, after the word "owned." The additional language would provide an exemption to farm operators who lease property for agricultural purposes, so that they would not have to obtain an outfitter license.

He stood for questions.

Wes Traul, a guiding outfitter, farmer and rancher, stood opposed to **SB 189**. (Attachment 3) He is strongly opposed for the following reasons: **SB 189** is an effort by The Kansas Outfitters Association to gain protectionist legislation by forcing farmers and ranchers out of the market, it will create a costly and burdensome licensing process for agricultural operators, the bill only concerns monetary requirements and no safety standards, it creates no economic benefit for the state and may drive possible clients and dollars away from the State of Kansas.

He stood for questions.

CONTINUATION SHEET

Minutes of the Senate Natural Resources Committee at 8:30 a.m. on February 12, 2009, in Room 446-N of the Capitol.

The hearing was closed on **SB 189**, and the hearing opened on **SB 183 - Solid waste management plans**.

Cindy Kemper, Director of the Johnson County Environmental Department, stood as a proponent to **SB 183**. (Attachment 4) She stated that **SB 183** would benefit Kansas counties and allow them to raise revenue to resolve local solid waste issues. K.S.A. 65-3410 already authorizes county commissions to assess a fee on residents and businesses, in order to provide an adequate solid waste management system. However, the statute does not specify that fees may be used to implement county solid waste management plans. **SB 183** would clarify language to cover plan implementation to address local solid waste needs.

She stood for questions.

Bill Bider, Director of the Bureau of Waste Management from the Kansas Department of Health and Environment (KDHE), stood as a proponent to **SB 183**. (Attachment 5) **SB 183** will help counties and regional solid waste planning authorities improve waste management, by giving the authority for counties to implement ordinances and regulations identified in solid waste plans. He stated that **SB 183** clarifies where revenue collected by fees may be used including: preparation of feasibility studies, solid waste plan updates and public education related to waste management.

He stood for questions.

John Bottenberg, representing Deffenbaugh Industries, provided written testimony in support of **SB 183**. (Attachment 6)

Melissa Wangemann, General Counsel of the Kansas Association of Counties, provided written testimony in support of **SB 183**. (Attachment 7)

The hearing was closed on **SB 183**, and opened the hearing on **SB 214 - Sub for S 214 by Committee on Natural Resources - Allowing schools to receive grants to purchase recycled products**.

Steve Kearny, representing Waste Management, stood as a proponent to **SB 214**. (Attachment 8) He stated that Waste Management requested **SB 214** to allow the State of Kansas and stakeholders to determine the extent to which compact fluorescent lamps (CFLs) and medical sharps are present in the environment and the safety issue in their disposal and handling. The study will help determine if any action is needed to protect the public and the environment of Kansas. **SB 214** would make the study items a priority at KDHE, requiring them to report back to the 2010 Legislature.

Mr. Kearny expressed concerns regarding the language of the bill that points toward the creation of a ban on CFLs and medical sharps following the report. Waste Management wishes to wait for the results of the study before requesting any regulatory action. He suggested striking language in lines 25 through 26 and in lines 35 through 37.

He stood for questions.

Bill Bider, Director of the Bureau of Waste Management for KDHE, stood as neutral on **SB 214**. (Attachment 9) KDHE agrees that CFLs and medical sharps are important to the waste stream and risks need to be addressed. He stated that CFLs are not considered to be hazardous waste, and KDHE is uncertain as to the best management approach.

KDHE offered the following modifications to the task force study: identification of alternative regulatory approaches and costs for implementing each approach, evaluation of mandatory versus voluntary collection programs, use of a cost-benefit analysis and the consideration of "enforcement" in regard to mandatory household disposal. KDHE recommends the task force submit its work to KDHE, who would then submit the report to the Legislature, including possible legislation to implement a collection program. Mr. Bider stated that an additional person will need to be hired to complete this study, requiring a modification to the Solid Waste Program.

CONTINUATION SHEET

Minutes of the Senate Natural Resources Committee at 8:30 a.m. on February 12, 2009, in Room 446-N of the Capitol.

He stood for questions.

A motion was made by Senator Francisco to approve the minutes of January 30, 2009. Senator Morris seconded the motion, and the motion carried.

The next meeting is scheduled for February 12, 2009.

The meeting was adjourned at 9:30 a.m.

TESTIMONY

To: Chairperson Carolyn McGinn
and Members of the Natural Resources Committee

From: Ken Corbet
Ravenwood Lodge

Re: SB 189

Date: February 6, 2009

Good Morning Chairperson McGinn and Members of the Committee;

Thank you for the opportunity to appear before the Senate Natural Resources Committee in opposition of SB 189.

The requirement for licensing of Guides and Outfitters was abandoned by Kansas Wildlife and Parks over five years ago due to the unfairness to newcomers, landowners, ranchers and farmers, and the liability it put on the Department.

In Kansas you do not need a licensed guide to hunt big game or anything.

Like other farmers and ranchers I lease ground to farm and hunt. If the guide license has no economic value or worth, why would anyone want or be expected to buy one..

I urge you not to support SB189. This bill provides nothing for hunters, landowners, farmers or ranchers and if the Department of Commerce would visit with the Department of Kansas Wildlife and Parks, we wouldn't be here now.

Sincerely,


Ken Corbet

Senate Natural Resources
February 12, 2009
Attachment # 1



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Kansas Outfitters Association 806 West 2nd, Holton, KS 66436

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KANSAS FARM BUREAU
The Voice of Agriculture

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800 SW Jackson St., Suite 1300, Topeka, Kansas 66612-1219 • 785-234-4535 • Fax 785-234-0278

Kansas Farm Bureau ***POLICY STATEMENT***

Senate Natural Resources Committee **SB 189: An act creating an outfitter license**

February 6, 2009

Submitted by:

Steve M. Swaffar

Director of Natural Resources

Chairperson McGinn and members of the committee, thank you for this opportunity to provide testimony today on Senate Bill 189. I am Steve Swaffar, Director of Natural Resources for the Kansas Farm Bureau. We stand today in opposition of SB 189.

KFB is not opposed to the creation of an outfitters license but we are opposed to some of the language in Section 1(b). Specifically, the bill provides an exemption to a landowner from licensing exclusively on owned land. Many of our members lease ground for agriculture purposes and are given the rights to hunt, fish or trap on that leased property. KFB members developed explicit policy last November to address this very situation. That policy is specific that an outfitting license should not be required on land owned or leased for agriculture purposes.

A significant percentage of agriculture land in Kansas is leased to tenant farmers and ranchers. A quick query of USDA's most recent census data shows 5.2 million acres of owned ground and 4.5 million acres of leased ground. I am sure these numbers do not reflect all acres in Kansas and probably do not include many acres that do not participate in farm programs. However, I think you can see my point: Kansas has a large percentage of acres leased for agriculture purposes. I have provided you with those printouts from my query of USDA census database.

These leased acres are managed by farm operators who might derive a small amount of income by providing a hunting opportunity to a few individuals; under this bill these operators would be required to obtain an outfitting license, liability insurance and bonding. I suspect many of them will simply close these acres to hunting if they are required to jump through these hoops. This may be exactly what proponents of this bill desire so they can lease those acres for their commercial hunting operations, but it may in fact have the opposite effect.

Senate Natural Resources
February 12, 2009
Attachment #2

We would suggest the committee add the words "or leased for agriculture purposes" on line 26 of the bill after the word landowner. This would clarify the bill so that true farm operators will not be required to obtain an outfitting license on leased property.

Thank you for allowing me to speak on behalf of the members of Kansas Farm Bureau. I would be happy to answer any questions you may have at the appropriate time.

Kansas Farm Bureau represents grassroots agriculture. Established in 1919, this non-profit advocacy organization supports farm families who earn their living in a changing industry.



Census Quick Stats

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Year	Frequency	Location	State	County	Ag. District	Data Item	Unit	Estimate
2007	YEAR	STATE	KANSAS			OPERATIONS, TENURE TENANT - ACRES	ACRES	4,514,206



Census Quick Stats

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Year	Frequency	Location	State	County	Ag. District	Data Item	Unit	Estimate
2007	YEAR	STATE	KANSAS			OPERATIONS, CORPORATION, FAMILY HELD - ACRES	ACRES	5,201,010

To: Members of Senate Committee on Natural Resources

From: Wes Traul

Subject: **Senate Bill #189**

My family and I are Agriculture operators in the state of Kansas and as part of our Ag operation since 1997; we have offered hunting opportunities on a fee basis to both resident and non-resident clients. We are strongly opposed to SB #189 on a number of points.

- 1.) The Kansas Outfitters Association represents 18 active members per KOA website. Keaton Kelso, KOA president, has stated on several occasions that his association wants to make it financially impossible for small operators to compete in the market by putting in place a licensing system with financial requirements that would force them out of the market. This bill is simply an effort to gain protectionist legislation by forcing farmers and ranchers out of the market, thus improving Mr. Kelso and his association member's ability to lease land for hunting at lower prices and remove competition for clients.
- 2.) Per the USDA census, 4.5 million acres of Agriculture land in the state of Kansas is leased for farming and ranching. This bill would eliminate the Ag operator from providing hunting opportunities on this ground by making them go through costly and burdensome licensing regulations.
- 3.) If this bill was truly concerned with standards of the outfitting industry, we would see content concerning first aid training, hunter safety, safety harness, equipment maintenance and inspections, not monetary requirements aimed at forcing out smaller operators. In addition, this bill ignores $\frac{3}{4}$ of the industry, waterfowl, upland birds and fishing. Do these parts of the industry not need regulation or is it because Mr. Kelso is not involved in these segments.
- 4.) If the standards outlined by this bill are important to the guides and outfitters association, those standards can be implemented as requirements to membership into their association. In theory, this could provide a standard that would provide a marketing advantage to those members of the association. This advantage would force non-members to comply with these standards without legislative action.
- 5.) According to the physical note on this bill it would cost \$67,500 to establish this legislation and would be no more than a break even venture for the state, depending on the participation and fines collected. Not to mention the costs would be passed on by the outfitter to potential clients, thus inflating the costs of the hunts in an already recessionary economy, thus driving possible clients and dollars away from the state of Kansas.

This bill is bad legislation. It is unnecessary and unwanted in the industry and is a thinly veiled attempt to force the very people that provide the habitat for the wildlife out of the industry. Please reject this proposed bill.

Senate Natural Resources

February 12, 2009

Attachment #3

JOHNSON COUNTY, KS TESTIMONY SENATE BILL 183

- **Chairman McGinn and members of the Committee, good morning. I am Cindy Kemper, Director of the Johnson County Environmental Department. I am here today on behalf of the Johnson County Board of County Commissioners. Thank you for the opportunity to testify.**
- **Johnson County strongly supports Senate Bill 183. We proposed the language in the bill to help us address some solid waste challenges in our County which I will describe in a moment.**
- **However, this bill will also benefit every county in KS which either now or sometime in the future will need to raise local revenue to resolve local solid waste issues. For this reason, the KS Association of Counties is on record in support of this bill.**
- **As you heard, Senate Bill 183 clarifies that county commissions may use the annual fee authority already established in KSA 65-3410 to support the costs to implement county solid waste management plans.**
- **As you know, counties are required by state law to develop and implement these plans so that all waste generated within a county is adequately managed to protect public health, welfare and the environment (KSA 65-3405).**
- **KSA 65-3410 already authorizes county commissions to assess a fee on residents and businesses to defray the costs of providing for a proper solid waste management system (e.g., purchase equipment, acquire land, build and operate transfer stations, landfills, etc.).**
- **However, the statute does not specifically state that the fee may be used to cover the costs of implementing county solid waste management plans. These plans often include measures that go beyond the specific solid waste management system elements listed in the statute. Examples include public outreach and education, data collection and analysis, recycling efforts and feasibility studies to determine the best waste disposal options.**

- **Since plan implementation is an integral part of establishing and supporting a proper solid waste management system, the language in the statute needs to be clarified to cover plan implementation. Otherwise, counties may not be able to fund the implementation of their solid waste management plans. Failure to implement an approved plan is a violation of state law (KSA 65-3405).**
- **Johnson County's interest in this issue is acute and time-sensitive. In December, 2007, the Board of County Commissioners adopted a new county-wide Solid Waste Management Plan for Johnson County. The Plan lays out strategies to prepare for the impending closure of the Johnson County Landfill, owned and operated by Deffenbaugh Industries, Inc. This landfill is the largest in the state of KS and one of the largest in the nation. And it will close no later than 2027 under an enforceable agreement with the City of Shawnee, and may run out of space sooner than 2027.**
- **More than 80 percent of the County's waste is disposed in this landfill, making it imperative to move aggressively and quickly to reduce waste and develop new disposal options as called for in the Plan. The landfill also serves several surrounding counties, making this a regional, not just a Johnson County issue.**
- **Implementing solid waste management plans requires resources. The Johnson County Board of County Commissioners would like the authority to assess an annual fee on residents and businesses under KSA 65-3410 to cover these costs. However, they cannot do so until the fee authority in the statute is clarified.**
- **Senate Bill 183 accomplishes this clarification. Without this amendment to KSA 65-3410, KS counties may be unable to fund the implementation of their solid waste management plans which are intended to address local solid waste needs.**
- **Thank you again for the opportunity to testify in support of this bill. I would be happy to answer any questions.**



DEPARTMENT OF HEALTH
AND ENVIRONMENT

*Kathleen Sebelius, Governor
Roderick L. Bremby, Secretary*

www.kdheks.gov

Testimony on Senate Bill 183

**Presented to
Senate Natural Resources Committee
by
Bill Bider
Director, Bureau of Waste Management**

February 12, 2009

Madam Chair and members of the committee, my name is Bill Bider and I serve as the Director of the Bureau of Waste Management at the Kansas Department of Health and Environment. Thank you for the opportunity to provide testimony in support of SB 183 which will help counties and regional solid waste planning authorities improve waste management activities in Kansas.

This bill recognizes the importance of the county and regional solid waste management planning process by modifying K.S.A. 65-3410. The bill authorizes counties and cities to implement the activities specified in solid waste plans if they have been approved by KDHE. Solid waste plans identify a wide variety of programs and studies that relate to waste management. This section of law already authorizes cities and counties to collect fees on real property for the purposes of managing solid waste, including recycling activities, but it is not clear whether the current provisions allow such fees to be used to pay for such things as the preparation of feasibility studies or solid waste plan updates, or for public education related to waste management. The change clarifies this uncertainty as long as such activities are identified in a county or regional solid waste plan.

The bill also establishes new authorities for local governments to adopt ordinances or regulations to implement objectives or tasks set forth in solid waste plans including recycling. This is an important tool for local governments to implement practices that may not be desired statewide. For example, a county may wish to establish a ban on yard waste disposal in their local landfill in order to conserve landfill "airspace," even though a statewide yard waste landfill ban is not appropriate or necessary. Another example could be a city or county that wishes to require curbside collection of recyclables. Many other cities or counties may choose an alternative way to reduce their waste.

I would be happy to answer any questions that the committee may have.

Senate Natural Resources
February 12, 2009
Attachment #5



February 5, 2009

Senator Carolyn McGinn
Chairman, Natural Resources Committee
Kansas State Capitol
Topeka, KS
66612

Senator McGinn:

Thank you for accepting our letter in support of Senate Bill 183. Deffenbaugh Industries believes passage of SB 183 is critical to the full implementation of the progressive Solid Waste Management Plan adopted in 2007 by Johnson County. Passage of the bill would also provide vital support to environmental programs across the state.

We are pleased to join the Kansas Department of Health and Environment, Johnson County and the Kansas Association of Counties in encouraging passage of SB 183. We believe the partnership between public sector regulators and the private sector in favor of the bill is evidence of the bill's importance.

Thank you for your time, and please call me if I can answer any questions.

Thomas F. Coffman
Director of Public Relations
Deffenbaugh Industries, Inc.
(913) 667-8708
tcoffman@deffenbaughinc.com

John Bottenberg
Senate Natural Resources
February 12, 2009
Attachment #6



KANSAS
ASSOCIATION OF
COUNTIES

TESTIMONY TO THE SENATE NATURAL RESOURCES COMMITTEE
ON SB 183

FEBRUARY 12, 2009

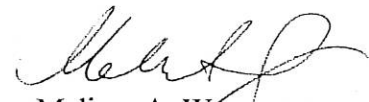
Madam Chair and Members of the Committee:

The Kansas Association of Counties appreciates the opportunity to appear in support of SB 183.

Although sponsored by Johnson County, SB 183 would benefit all Kansas counties. The new language proposed in the bill broadens the purpose and use of the fee and allows it to be used for management planning and implementation.

Planning is an important component to solid waste management, which is why Kansas law requires counties to create a solid waste management plan and review it annually. Planning is necessary by counties to determine their future needs for solid waste disposal in order to protect the public health of their citizens.

Thank you for the opportunity to appear today.


Melissa A. Wangemann
General Counsel

300 SW 8th Avenue
3rd Floor
Topeka, KS 66603-3912
785•272•2585
Fax 785•272•3585

Senate Natural Resources
February 12, 2009
Attachment #17

WASTE MANAGEMENT TESTIMONY SB 214

TO: SENATE NATURAL RESOURCES COMMITTEE
FROM: STEVE KEARNEY
SUBJECT: PROPONENT - SB 214
DATE: 2/11/2009

Senator McGinn and members of the Committee. I am here today appearing as a proponent of Senate Bill 214 on behalf of Waste Management. Waste Management requested this bill to aid the state of Kansas and the stakeholders involved in the use and disposal of compact fluorescent lamps and medical sharps in determining the extent to which these items present an environmental and/or safety issue in their disposal and handling.

Compact fluorescent lamps contain mercury and the volume and manner in which they are being used, recycled and/or disposed of in Kansas should be studied by a stakeholder group as set out in this bill to determine if any action is needed to protect the public and the environment of Kansas.

Similarly, medical sharps are used in the home and oftentimes disposed of in the household trash, where they can become a health hazard for household members and sanitation workers. The number and actual hazard in Kansas is not known and this study will aid and assist those affected in assessing those issues. The EPA estimates that more than 3 billion medical sharps are used in the home nationally each year. The hazard is not only the discomfort of a needle stick, but also the risk of contracting an infectious disease from the contaminated needle.

This bill is intended to do accomplish the following:

1. Make the study of these items a priority at KDHE requiring a report back to the Legislature by February 1, 2010.
2. Engage all the potentially affected parties in the process to create a well thought out and deliberative process and outcome.
3. Make recommendations to the 2010 legislature regarding the disposal and handling of CFL's and medical sharps if any are needed.







Thank you for your time and attention to this matter.

Senate Natural Resources
February 12, 2009
Attachment #8

Recommended Needle Disposal Options for Self-Injectors



Community Services National Services

Drop-off Collection Sites	"Household Hazardous Waste" Centers	Residential "Special Waste" Pickup Service	Syringe Exchange Programs	Mail-back Service	Home Needle Destruction Devices
<p>Some communities offer collection sites that accept used needles—often for free. These collection sites may be at local hospitals, doctors' offices, health clinics, pharmacies, health departments, community organizations, police and fire departments, and medical waste facilities. Don't just leave your needles at one of these places—make sure the site accepts them, and be sure to put needles in the right place.</p> 	<p>Many communities have a disposal site already set up that accepts "household hazardous waste" items like used oil, batteries, and paint. In some places, these centers also accept used needles. If your area has a hazardous household waste center, be sure it accepts used needles before you go, and put needles in the right place when you drop them off.</p> 	<p>Some communities offer a "special waste" pickup service that collects your full container of used needles from your house. Some services require you to call for a pickup, while others collect used needles on a regular schedule.</p> 	<p>These programs let you trade your used needles for new ones. The group that runs the service will dispose of your used needles safely.</p> 	<p>You can buy this service, which comes with a needle container and mail-back packaging. You fill the needle container with your used needles and mail it back in the package that is provided by the company. You have to pay for this service, and the price usually depends on the size of the container you pick.</p> 	<p>Several manufacturers offer products for sale that allow you to destroy needles at home by burning, melting or cutting off the needle—making it safe to throw in the garbage. Prices vary depending on the product.</p> <p>Before buying any medical device for home use, be sure it's been approved by the U.S. Food and Drug Administration (FDA).</p> 

How Can I Find More Information?

<ul style="list-style-type: none"> ◆ Call your trash or public health department, listed in the city or county government (blue) pages in your phone book, to find out about programs available in your area. ◆ Check the Centers for Disease Control (CDC) Web site at <www.cdc.gov/needledisposal> for a list of needle disposal rules in your state, along with needle disposal programs near you. ◆ Ask your health care provider or local pharmacist if they can dispose of your used needles, or if they know of safe disposal programs near you. ◆ Contact the Coalition for Safe Community Needle Disposal at (800) 643-1643 or visit the Web site at <www.safeneedledisposal.org> to find out about safe disposal programs near you. ◆ Visit the Earth 911 Web site at <www.earth911.org>. You can go to the "Household Hazardous Waste" section of the site and search for a needle disposal program near you by entering your ZIP code. ◆ To learn more about rules regarding medical waste disposal, consult EPA's Medical Waste Web site at <www.epa.gov/epaoswer/other/medical>. 	<p>Contact the North American Syringe Exchange Program at (253) 272-4857 or visit the Web site at <www.nasen.org>.</p>	<p>For a list of mail-back service companies, contact the Coalition for Safe Community Needle Disposal at (800) 643-1643 or visit the Web site at <www.safeneedledisposal.org>. When contacting a mail-back service company, be sure to ask them if the service is approved by the U.S. Postal Service.</p>	<p>For information pertaining to needle destruction devices, please see FDA's Web site at: <http://www.fda.gov/diabetes/lancing.html#5>.</p>
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The mention of any company, product, or process in this publication does not constitute or imply endorsement by the U.S. Environmental Protection Agency.

Traveling with Needles

Don't forget, safe needle disposal is important no matter where you are—at home, at work, or on the road. Never place used needles in the trash in hotel rooms, on airplanes, or in public restrooms, where they could injure the cleaning staff or other people.

Sharps and Air Travel

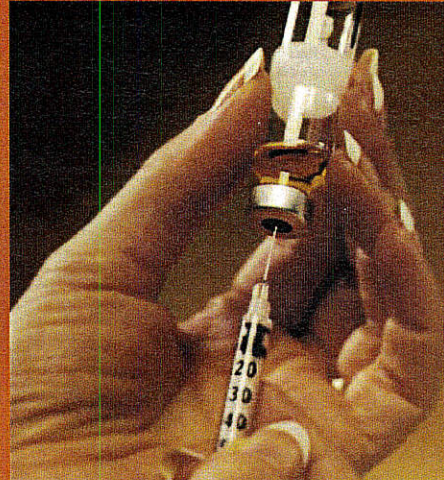
Before you fly, check the Transportation Security Administration (TSA) Web site (www.tsa.gov) for up-to-date rules on what to do with your needles when you travel. To make your trip through airport security easier, make sure your medicines are labeled with the type of medicine and the manufacturer's name or a drug store label, and bring a letter from your doctor.

Be prepared—ask about options for safe needle disposal when you make travel reservations, board an airplane, or check into a hotel or cruise ship. If you aren't sure that needle containers will be available where you're going, be sure to buy a needle container that you can take with you to hold your used needles until you can throw them away the right way.



Protect Yourself, Protect Others

Safe Options for Home Needle Disposal



A 44-year-old trash collector was stuck in the leg with a needle from someone's trash. A year later, he started having stomach pains. His doctor told him that he had caught Hepatitis C, probably from being stuck by the needle. Doctors have not been able to help him, and he is now in chronic liver failure. He will likely die from this disease.

It's not just trash workers who are at risk of needle sticks—it's also your neighbors, children, janitors, housekeepers, and pets. That's why used needles should not be thrown in the garbage.

Why are used needles dangerous?

Used needles and lancets are dangerous because they can:

- ◆ Injure people
- ◆ Spread germs
- ◆ Spread diseases such as HIV/AIDS, hepatitis, tetanus, and syphilis

All needles should be treated as if they carry a disease. That means that if someone gets stuck with a needle, they have to get expensive medical tests and worry about whether they have caught a harmful or deadly disease. Be sure you get rid of your used needles the safe way to avoid exposing other people to harm.



Loose needles in trash

DON'T

- ◆ Throw loose needles in the garbage
- ◆ Flush used needles down the toilet
- ◆ Put needles in recycling containers

DO

- ◆ Use one of the recommended disposal methods in this brochure

Remember, not all of the options listed in this brochure are available in all areas. Check carefully to see what options are available near you—it could save a life!



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*Kathleen Sebelius, Governor
Roderick L. Bremby, Secretary*

DEPARTMENT OF HEALTH
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Testimony on Senate Bill 214

**Presented to
Senate Natural Resources Committee
by
Bill Bider
Director, Bureau of Waste Management**

February 12, 2009

Madam Chair and members of the committee, my name is Bill Bider, Director of the Bureau of Waste Management at KDHE. I appreciate this opportunity to present testimony on Senate Bill 214. This bill is important because it addresses some growing components of the municipal solid waste stream that present certain risks to human health and the environment including compact fluorescent lamps (CFLs) and medical sharps. KDHE is taking a neutral position with respect to this bill because we agree that these wastes need to be addressed, but we are uncertain as to the best management approach in Kansas at the present time. The bill as written appears to conclude that these wastes must be recovered from all sources, including households, rather than allow landfill disposal. KDHE believes that objective study of all pertinent issues is necessary before moving in the direction of a landfill ban on either waste type.

KDHE would like to offer some suggestions regarding an alternative way to move forward with an evaluation of management methods for CFLs and medical sharps in Kansas. First, it is appropriate to consider the nature of the hazards and risks associated with these wastes. CFLs contain a very small amount of mercury; however, the amount is well below the "hazardous waste" threshold. In other words, CFLs are not hazardous waste. It is noteworthy, that even if they were hazardous, there is no precedent at the state or federal level to ban the disposal of hazardous waste from landfills generated by households. KDHE encourages homeowners to take their household hazardous waste (HHW) to local HHW facilities but that is a voluntary, not mandatory, practice. Medical sharps present "stick" risks to waste handlers because they have the potential to cause injury and the spread of disease. Sharps generated by businesses and institutions are already regulated; they must be properly identified and containerized. No disposal regulations apply to sharps generated in homes, but KDHE does provide guidance on best management practices to households.

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As written, SB 214 directs a task force be formed to identify options and programs to collect these wastes so they are not landfilled. KDHE believes it would be more appropriate to direct the task force to study the problems caused by these wastes and evaluate options for the collection and diversion of some or all of the wastes. The task force's work should include the identification of alternative regulatory approaches and the costs for implementing each approach. For example, collection centers could be operated by businesses, institutions, local governments, or some combination of all parties and the costs to operate collection practices may differ for these options. The tax dollars needed to implement a collection program would differ if the collection system is operated by public versus private parties. The task force should also evaluate mandatory versus voluntary collection programs. Most importantly, the task force should perform a cost-benefit analysis including a comparison to other wastes that are generated by households and landfilled. Another important factor to be studied by the task force is the "enforcement." Should households be subject to the same kinds of enforcement that are currently in state law for businesses that illegally dispose of waste?

KDHE recommends that the task force work be submitted to the secretary of KDHE for evaluation. KDHE would then prepare and submit a summary report to the Legislature, including draft legislation to implement a collection program, if appropriate.

Based upon the department's extensive experience regarding the collection of wastes from households, such as waste electronics, HHW, pesticides, etc., we can confidently report that a collection program for these wastes would cost millions of dollars to implement with respect to public education, training, and the establishment of infrastructure to collect, store and transport these wastes.

A final comment about the bill relates to an undefined term: "other business lamps." This waste type needs to be more precisely defined to know what is intended for study.

It is KDHE's opinion that this bill does address components of the waste stream that should be examined, but it is important to study the issues thoroughly before making decisions about what is necessary to adequately protect human health and the environment and best for Kansas. We believe the bill needs modifications so that the issues are appropriately studied and reported to the Legislature.

I would be happy to answer any questions.