



KANSAS FUNERAL DIRECTORS ASSOCIATION

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EXECUTIVE DIRECTOR

PAM SCOTT
Topeka

To: Senate Commerce Committee

From: Pam Scott, Executive Director

Re: Senate Bill No. 212

Date: March 15, 2017

Madam Chair and members of the Committee, the Kansas Funeral Directors Association (KFDA) appreciates the opportunity to present written testimony to the Committee in opposition to Senate Bill No. 212. The KFDA represents Kansas funeral homes across the state of Kansas.

Kansas funeral homes are regulated by OSHA on the federal level. Among the standards funeral directors and embalmers must comply with are the bloodborne pathogens, the hazard communication and the formaldehyde standards. Employees of funeral homes receive annual training on these standards and are proud of their compliance record.

The KFDA believes that the current system of federal regulation works and opposes creating a state OSHA plan for the following reasons:

1. Kansas workplaces are safe. There is no need to change a system that works. Besides being regulated and subject to inspection by OSHA, funeral homes are annually inspected by the Kansas State Board of Mortuary Arts. Funeral homes are self-motivated to insure a safe and healthful workplace. Good employees are in demand and a funeral home does not want to risk losing an employee to injury.
2. According to federal law, a State OSHA plan has to be at least as strict as the current regulations under the federal OSHA plan. Therefore the state will not be able to circumvent any current federal OSHA laws. Therefore, if the goal is to lessen regulation there are no assurances that will happen. We do not know at this time what the proposed Kansas regulations will be and whether unreasonable requirements will be placed on our member funeral homes. Can we be sure the Kansas Department of Labor will enact fair OSHA regulations?

According to the Kansas Department of Labor, they have estimated that start-up costs for a State OSHA plan will be approximately \$3.2 million the first year and then approximately \$2.8 million annually thereafter. While the federal government

3. Will pay fifty percent (50%) of the costs each year, Kansas is responsible for the other half. This will be a hit on an already strained budget. The concern is that the state will aggressively inspect businesses for the purpose of assessing fines to fund the program and future potential budget shortfalls. Our experience has shown that the federal government has not used the OSHA program as a revenue source to fund their budget.

The KFDA does not support the establishment of a State OSHA plan and urges you to oppose Senate Bill No. 212.