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To: House Committee on Agriculture
Rep. Ron Highland, Chair

From: Aaron M. Popelka, V.P. of Legal & Governmental Affairs, Kansas Livestock Association

Re: **SB 153 AN ACT concerning the department of health and environment; relating to water and soil pollutants; spill program.**

Date: March 9, 2020

The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing nearly 5,500 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seed stock, cow-calf, and stocker cattle production; cattle feeding; dairy production; swine production; grazing land management; and diversified farming operations.

Thank you, Chairman Highland and members of the Committee, for the opportunity to testify. KLA appears today as a proponent of SB 153.

As SB 153 was originally introduced in the Senate in 2019, KLA was opposed to the bill because the proposed definition of "pollutant" was overly broad and could have given the Kansas Department of Health and Environment (KDHE) wide sweeping authority over even the most common and innocuous substances. In particular, KLA was concerned that KDHE could have used the authority in the original version of the bill against everyday agricultural activities, and it would lead to unnecessary, duplicative regulation of confined feeding facilities.

After the Senate hearing last year, the stakeholders sat down over the summer months and discussed our views and concerns. As a direct result of those conversations, a compromise amendment was reached between the agency, agricultural groups, and other interested stakeholders. That amendment was adopted by the Senate Committee on Agriculture and Natural Resources and is incorporated in the bill before the Committee today.

The amendment made technical changes to the term "pollutant" to ensure it was similar to the definition found in other environmental statutes, specified that animal or crop waste on an agricultural operation or in an agricultural facility were not considered a pollutant, excluded "normal agricultural activities" from the definition of "release", and placed common sense limits on the civil penalties related to a violation. By adoption of the amendment, KLA is now a proponent of SB 153. The bill, as amended, appropriately limits liability for agricultural operations, establishes reportable quantities for the regulated community, and gives the regulatory agency sufficient authority to identify and clean up pollutants.

Thank you for the opportunity to submit testimony. KLA asks that the Committee support SB 153 and recommend it favorable for passage.