

Before the House Commerce, Labor, and Economic Development Committee
Presented by Zack Pistora, Kansas Sierra Club
Written-only Opponent on HB 2821
3-18-24



Chairman Tarwater and Honorable Members of the Committee,

Thank you for the opportunity to submit opponent testimony on HB 2821 that creates a regulatory sandbox program. Because program participants may be allowed to skirt important environmental safeguards contained in state and federal laws and regulations, the Kansas Sierra Club is opposed to HB 2821.

On principle, Sierra Club worries HB 2821's special opportunities for businesses to sidestep laws and regulations could lead to bias and unfair discrimination between industries or businesses.

The laws and regulations of Kansas should be enforced impartially and equally for all people and companies in the state. We have our legal structure to protect the environment, public health, and well-being of the people of our state. There should not be a mechanism by which some companies or industries in the state can experiment and be exempt from important fundamental safeguards as established by the state, while others cannot. We are concerned the State of Kansas would inherently be picking which industries and businesses must play by the rules of the state and which ones do not; this is unfair.

Along with health, safety, and financial well-being, HB 2821's regulatory sandbox program needs to incorporate 'environmental protection' in its list of identified important public values.

There needs to be a specific mention of "the environment" in the statement of considerations when deciding whether to accept an application, whether to extend sandbox status, and regarding any monitoring or reporting. Every time the bill mentions "health" or "safety" or "financial well-being of consumers or the public," "environmental protection" should also be added. We should not be waiving regulations without analyzing what kind of effect such a waiver will have on our natural environment. Our natural environment and ecosystems in Kansas are too precious to be compromised by near-term business enterprises, particularly because environmental consequences may not be noticeable immediately.

If HB 2821 enables businesses to dodge state or federal environmental laws and regulations, it could put some Kansas agencies delegated authority and primacy in jeopardy.

In many cases, the State of Kansas and its agencies are afforded the primary responsibility of legal enforcement of federal laws, including environmental laws. Whether we are talking about KDWP and the Endangered Species Act, KDHE and the Clean Air Act or Clean Water Act, or the KCC and the Underground Injection Control Program, the State of Kansas must meet the legal obligations of federal rules and regulations. If some businesses were allowed to avoid or violate basic environmental protections guaranteed by Federal laws, then it could cause jeopardize the agency's primacy and force federal agencies to step in and remove Kansas' total regulatory authority of a law or program.

In sum, without an amendment that ensures full adherence to laws and regulations concerning environmental protection, we strongly urge you to oppose HB 2821.

Sincerely,

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The Sierra Club is the largest grassroots environmental organization dedicated to enjoying, exploring, and protecting our great outdoors. The Kansas Chapter has been our state's strongest grassroots voice on environmental matters for fifty years.