



Kansas Agribusiness Retailers Association
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Date: February 6, 2018
To: House Committee on Water and Environment
From: Randy E. Stookey, Senior Vice President of Government Affairs
RE: **Proponent testimony on HB 2577, amending the Kansas emergency planning and community right-to-know act, and creating the Kansas right-to-know fee fund**

Chairman Sloan and members of the committee, thank you for the opportunity to provide testimony on House Bill 2577. This testimony is submitted on behalf of the Kansas Agribusiness Retailers Association (KARA). KARA is a voluntary trade association that appreciates membership of over 700 agribusiness firms that supply fertilizers, crop protection products, seed, petroleum products, and provide agricultural services to Kansas farmers.

In 1986, the federal *Emergency Planning and Community Right-to-Know Act (EPCRA)* was created to help communities plan for chemical emergencies. The Act requires industry to report on the storage, use and release of hazardous substances to federal, state, and local governments. In 1987, the Kansas legislature passed the *Kansas Emergency Planning and Community Right to Know Act (KSEPCRA)*. Under the act, certain hazardous chemicals, when stored at reportable quantities, must be reported annually to the Kansas Dept. of Health and Environment.

The act authorizes the Secretary of KDHE to establish fees to cover the cost of operating the program. It is our understanding that industry fees paid under this authority are currently deposited into the state general fund, with a portion of the fees then remitted to KDHE for operation of the program.

KARA members receive, store, handle, and transport bulk fuel, pesticide products, and fertilizer products at their facilities which must be registered with KDHE under the KSEPCRA. As required by the act, our members pay fees to the state for administration of the program. As such, this bill is of interest to KARA and the agribusiness industry.

As drafted, HB 2577 would create a new fee fund (Kansas right-to-know fee fund) to be funded by fees paid by industry pursuant to KSEPCRA. The fund would be administered by the secretary of health and environment. All moneys received pursuant to K.S.A. 65-5704 would be deposited into the Kansas right-to-know fee fund. All expenditures from the Kansas right-to-know fee fund would be made by the secretary of health and environment to: (1) Administer the Kansas right-to-know program; and (2) provide funding to support training of Kansas first responders and emergency management officials on topics related to hazardous chemical response.

As a heavily regulated industry, our members pay multiple fees to various agencies to cover the costs involved in the administration of those regulations. Our organizations fully support those fees being used specifically for the purpose of administering the programs for which they are assessed. Any other use of those funds would be considered a misappropriation of those funds. For that reason, KARA fully supports the purpose of HB 2577, to use the funds paid by industry under this act for the sole purpose authorized by the act - to cover the costs of operating the program.

We would additionally request that if more funds are currently paid by industry under the act than are needed to operate the program, that the Secretary amend department regulations, as necessary, to lower those fees. Thank you for allowing use to testify in support of this bill. We request that when the committee consider the bill, it pass it out favorably. We will stand for questions at the appropriate time.