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Testimony on House Bill 2577

An ACT concerning the Kansas emergency planning and community right-to-know act;

**Presented to
Committee on Agriculture and Natural Resources**

By

**Kimberly Steves
Director, Radiation Control Program
Kansas Department of Health and Environment**

March 14, 2018

Chairman Kerschen and members of the committee, I am Kimberly Steves, Director of the Radiation Control Program at the Kansas Department of Health and Environment, which includes the Right-To-Know Program. Thank you for the opportunity to provide testimony in support of HB2577, an act to create the Kansas Right-To-Know fee fund

Under the federal Emergency Planning and Community Right-To-Know Act, the Kansas legislature designated KDHE as the responsible entity for Tier II hazardous chemicals and Toxic Release Inventory. Our role at KDHE is to collect the data regarding hazardous chemicals at defined thresholds which are kept on site at facilities and also data on toxic release inventories. This information is then used by local authorities to prepare for and respond to incidents. To ensure they are protected, it is critical that the local first responders know what hazardous chemicals may be stored on site at a facility before they arrive in response to an incident or emergency such as a fire or explosion.

The work of the KDHE Right-To-Know program impacts every resident in our state. This program has the potential to save lives each time there is an incident or accident at a facility. Every county in Kansas has facilities which possess and store hazardous chemicals. It is critical that we maintain current hazardous chemical data in a system which makes the chemical information available to local emergency management and responders in a user friendly format which can be accessed quickly. The data collected in this program is also used by our agency epidemiologists as part of environmental health studies as we consider how environmental factors impact public health.

Over the years the KDHE staff in the Right-To-Know program have gradually been reduced from ten in the late 1980's to one currently. Because of this, we are behind in ensuring the most current data for some facilities is updated in the database. Because of this, we are unable to provide outreach or education to the facilities on what hazardous chemicals are required to be reported and how to report them. Because of this, we are unable to provide training or education to our local partners who have an emergency management or a response role on how to use our web-based system for accessing the hazardous chemical data. Because of this, we are unable to accomplish regular upgrades to the web-based reporting system and the database to ensure the data

is received and maintained in a user-friendly format, or to help those facilities which still report in hardcopy to transition to the web-based system. Because of this, we are unable to perform audits or inspections at facilities to ensure they are correctly reporting their hazardous chemicals. This program is under-funded and understaffed, and this has interfered with our ability to accomplish our statutory mandates.

The Kansas regulation establishing the fees to be collected by this program for Tier II (hazardous chemical storage) and TRI (toxic release inventory) was last amended in 1994. In neither the statute nor the regulations is it specifically defined into what fund the Right-To-Know fees are to be deposited. These fees have historically been deposited into the State General Fund. The annual average fees collected by the KDHE Right-To-Know program is \$313,000 (this number is calculated based on averaging the most recent three years of fees collected). The current amount provided for this program to operate in the state fiscal year 2018 budget is \$86,847. With this bill, we are respectfully requesting that a dedicated fee fund be established and that the fees collected by this program be deposited into that fee fund instead of State General Fund. With these funds we would add an additional staff person to the program and expand our role in outreach and education both to the facilities reporting hazardous chemicals and the end-users of the data. We all know that many of the local fire and hazardous material responders across our state represent volunteer fire departments, where there is little or no funding in their budget for additional planning or training. We believe that it would be a worthy use of these funds, collected from the facilities which possess and use the hazardous chemicals, to provide additional outreach and education to those who may one day respond to an emergency at these same facilities. It is also our intention to maintain and enhance the contracts we have in place for our Tier II and Toxic Release Inventory data systems. By performing the regular upgrades, enhancing the system, and stream-lining the processes associated with reporting and accessing the data, it will benefit all users.

Each year in our state we have over 20,000 facilities reporting more than 44,000 Tier II hazardous chemicals. Every county has some of these facilities. The work of the KDHE Right-To-Know program impacts every resident in our state.

I would like to leave you with one final thought: On April 17, 2013, there was an explosion and fire at the West Fertilizer Plant in West, Texas. This explosion resulted in at least 14 fatalities, 225 injuries, and widespread community damage. It was found that large quantities of ammonium nitrate fertilizer exploded after being heated by a fire at the facility. One of the findings from an investigation into that incident by the Chemical Safety Board was that West, Texas volunteer firefighters were not aware of the explosion hazard from the ammonium nitrate stored at the facility and were caught in harm's way when the blast occurred. Who here does not doubt that in Kansas there are similar facilities possessing this chemical, or that there are local emergency responders in Kansas in need of similar education? A recent review of our data showed that we have more than 80 facilities in Kansas possessing ammonium nitrate in quantities above the reporting threshold, and that is just one of the thousands of hazardous chemicals which are required to be reported. We must do everything possible to prevent such a tragedy as this from occurring in our state, and passage of this bill will help us accomplish that goal.

Thank you for consideration of HB2577.

KDHE Right-To-Know Program

Snapshot of the fees:

Annual fees collected by the RTK program (deposited into SGF): **\$313,000***

SFY2018 funds provided to the KDHE Right-To-Know to operate this program: **\$86,847**

Approximately \$0.28 out of every dollar paid in fees is currently going to support the program.

*\$313,000 is the average of the annual fees collected by the KDHE RTK Program during 2014, 2015, and 2016.