

**Testimony in Support of Senate Bill 38
to the Senate Committee on Agriculture and Natural Resources
by Kelsey Olson, Deputy Secretary
Kansas Department of Agriculture
January 26, 2021**

Good morning Chairman Kerschen and members of the committee, I am Kelsey Olson and I serve as Deputy Secretary of the Kansas Department of Agriculture. I appreciate the opportunity to provide testimony as a proponent of Senate Bill 38.

Under the Pesticide Waste Disposal Program, the term pesticide refers to all chemicals used to control pests, including herbicides, insecticides, rodenticides, and fungicides. The distribution and use of pesticide products are regulated by the U.S. Environmental Protection Agency (EPA) pursuant to the Federal Insecticide, Fungicide and Rodenticide Act and by the Kansas Department of Agriculture (KDA) under the authority of Kansas Agricultural Chemical Act, the Kansas Pesticide Law, and the joint authority granted by federal law. While the intent of these laws is to provide comprehensive protections to the public and the environment, these laws can simultaneously make it difficult and expensive to dispose of unwanted pesticides. Waste pesticides include such active ingredients as chlordane, methyl parathion, chloropicrin, and lindane.

Since none of the applicable laws prohibit the ownership of a pesticide — even a banned one such as DDT — there is often little incentive to pay for expensive disposal procedures. This causes some owners of unwanted pesticides to set them in the back of the barn or in the back of the warehouse rather than deal with proper disposal. This approach works until the containers start to leak or when the property changes hands and the unwanted pesticides are discovered by a new owner. In some cases, families may encounter old pesticides when settling estates and are required to initiate expensive environmental cleanups or hazardous waste disposal.

In a two-year period from 2016 to 2018, KDA's pesticide and fertilizer program received a grant of \$75,000 through the Kansas Department of Health and Environment for the disposal of pesticide waste. KDA utilized a contract with Clean Harbors, an environmental waste disposal company, for disposal of hazardous waste. Under the contract, Clean Harbors' personnel go to the location of the waste pesticides, properly prepare the pesticides for shipment, and then transport them to the approved hazardous waste disposal sites. This process does not directly involve the pesticide owner and is done at no cost to them.

During the two-year grant period of September 2016 to September 2018, \$74,201.26 or 98.9% of the total funding was utilized. Assistance was provided to two agricultural pesticide retailers and

one non-agricultural pesticide retailer; one non-agricultural pesticide distributor; two pesticide business licensees; five agricultural producers; six agricultural facilities; and four household hazardous waste facilities, resulting in a total of 25,977 pounds of pesticide waste disposed.

An additional multipurpose grant from the EPA of \$31,016 was received in November of 2020 and KDA has since received 14 applications for waste disposal services. So far, waste has been picked up from two locations at a cost of \$6,942. While KDA has not been provided cost estimates for the remaining 12 applications, for the six estimates that have been received the disposal cost will be approximately \$72,230 or \$40,000 more than the funding that is available. There have also been five additional inquiries but applications have not yet been received.

This bill will facilitate the proper disposal of unwanted pesticides by reducing the financial burden associated with the disposal and it will reduce the human exposure risk by having the waste pesticides packaged and shipped by professionals. We believe the grant was efficiently used and demonstrated a need for such a program in Kansas, and Senate Bill 38 will allow this important public service to continue without creating an additional tax burden on the public. While we are fortunate enough for this program to be grant-funded for the present time, it is important to establish a long-term funding source for this program without creating any new tax burdens.

Last year this same bill passed the House by a vote of 122-0 and then passed favorably out of this committee before the legislature shut down. Thank you for the opportunity to speak in support of this bill. I will stand for questions at the appropriate time.