

Before the Senate Agriculture and Natural Resources Committee
Presented by Zack Pistora, Kansas Sierra Club
Neutral on HB 2155
March 12, 2021



Chairman Kerschen and honorable members of the committee,

Thank you for the opportunity to provide testimony on HB 2155, which would replace and update current law regarding soil and water pollutant releases and cleanup. The Kansas Chapter of Sierra Club supports the expanded ability of industry and the Kansas Department of Health and Environment to better manage releases of hazardous substances and other pollutants in aim to protect human health and the environment. **To the degree that HB 2155 helps clarify responsibilities, protocol, and reportable quantities that aid better response and protection of the environment, we would support that aspect of the bill.**

However, because HB 2155 includes a specific exclusion of animal or crop waste or manure from being classified as a pollutant [page 2, lines 11-12 of the bill], **HB 2155 could consequentially complicate efforts to address nonpoint pollution and lessen the liability and responsibility of agribusinesses to prevent water or soil contamination from animal or crop waste and manure.** Furthermore, 'normal agricultural activities' currently comprise one of the leading causes of water quality impacts to rivers and streams, so absolving agriculture from being included in 'pollutant' release language could misalign environmental protection efforts between state and federal entities. These elements of the bill give us serious concern – causing us to ultimately oppose these provisions and neutralizing our full support of the bill.

Animal or Crop Waste and Manure are major contributors to nonpoint source pollution in the United States, and we know these substances can negatively impact water quality, human health, and the environment.

Bacteria from livestock manure constitutes one of the primary stressors to water quality, according to the Environmental Protection Agency (EPA). Furthermore, the EPA says that "animal agriculture manure is a primary source of nitrogen and phosphorus to surface and groundwater." The EPA's *Nonpoint Source: Agriculture* fact page explains: "Nutrients in fertilizer and livestock manure, pesticides, and other substances don't always remain stationary on the landscape where they are applied." The National Water Quality Assessment shows that agricultural runoff is the leading cause of water quality impacts to rivers and streams, the third leading source for lakes, and the second largest source of impairments to wetlands.

The EPA acknowledges that "increased levels of nitrogen and phosphorus from fertilizer and manure can stimulate algal blooms in lakes and rivers, which can lead to the development of hypoxic (low oxygen) conditions that are harmful to aquatic life. Algae can also affect recreational uses of local streams, downstream reservoirs, and estuaries." Regarding human health, nitrate and nitrite are present in animal manure and can lead to harmful health effects, especially for infants, when that runoff contaminates private water wells. Unfortunately, Kansas has learned the hard lessons of dangerous algae blooms, contamination of drinking water due to high nitrate levels, and other contamination from agricultural runoff, and much of that agricultural runoff happens today from 'normal agricultural activities'.

Lawmakers must ensure that HB 2155 will improve the protection our natural resources, public health, and ecosystems by addressing both point and nonpoint pollution. Currently as written, HB 2155's unnecessary exclusion of animal or crop waste or manure from being classified as a possible pollutant could relax farmer stewardship efforts as well as complicate legal efforts to enforce longstanding environmental laws.

Thank you,

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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 represents our state's strongest grassroots voice on environmental matters for over forty years.