

**Testimony in Support of HB 2432
to the House Committee on Agriculture
by Kenneth Titus, Chief Counsel
Kansas Department of Agriculture
January 28, 2020**

Good afternoon Chairman Highland and members of the committee, I am Kenneth Titus and I serve as Chief Counsel at the Kansas Department of Agriculture. Thank you for the opportunity to present testimony in support of House Bill 2432.

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 United States Environmental Protection Agency 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.

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 an 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. Due to the grant funding, KDA established a contract with Clean Harbors, an environmental waste disposal company, for disposal of hazardous waste. Under this contract, Clean Harbors' personnel go to the location of the waste pesticides, properly prepares the pesticides for shipment, and then transports 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 25,977 pounds of pesticide waste disposed.

Waste pesticides included such active ingredients as chlordane, methyl parathion, chloropicrin, and lindane. Another benefit of creating and maintaining this state contract is that it can be utilized by any state agency, thereby reducing the cost of disposal to about one-third of normal hazardous waste charge.

This bill will facilitate the proper disposal of unwanted pesticides by reducing the financial burden associated with the disposal and 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 this bill will allow this important public service to continue without creating an additional tax burden on the public.

Thank you for the opportunity to speak in support of this bill. I will stand for questions at the appropriate time.