



Since 1894

To: Senate Committee on Agriculture and Natural Resources
Sen. Dan Kerschen, Chair

From: Aaron M. Popelka, V.P. of Legal & Governmental Affairs, Kansas Livestock Association

Re: **HB 2155 AN ACT concerning the department of health and environment; relating to water and soil pollutants; spill program; penalties.**

Date: March 12, 2021

The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing nearly 5,700 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seed stock, cow-calf, and stocker cattle production; cattle feeding; dairy production; swine production; grazing land management; and diversified farming operations.

Thank you, Chairman Kerschen and members of the Committee, for the opportunity to testify. KLA appears today as a proponent of HB 2155.

The language contained in HB 2155 is now in its third legislative session. This bill was originally introduced in 2019 as SB 153. In 2019, KLA opposed SB 153 because the proposed definition of "pollutant" was overly broad and could have given the Kansas Department of Health and Environment (KDHE) wide sweeping authority over even the most common and innocuous substances. In particular, KLA was concerned that KDHE could have used the authority in the original version of the bill against everyday agricultural activities, and it would have led to unnecessary, duplicative regulation of confined feeding facilities.

After the Senate hearing in 2019, the stakeholders met to discuss our views and concerns. As a direct result of those conversations, a compromise amendment was reached. That amendment was adopted by the Senate Committee on Agriculture and Natural Resources in 2020 and is incorporated in the bill before the Committee today. SB 153 passed the Senate 37-3 in 2020, but action in the House was halted due to the COVID-19 pandemic.

The compromise reached by stakeholders in 2020 made technical changes to the term "pollutant" to ensure it was similar to the definition found in other environmental statutes, specified that animal or crop waste on an agricultural operation or in an agricultural facility were not considered a pollutant, excluded "normal agricultural activities" from the definition of "release", and placed common sense limits on the civil penalties related to a violation. HB 2155 appropriately limits liability for agricultural operations, establishes reportable quantities for the regulated community, and gives KDHE sufficient authority to identify and clean up pollutants.

Thank you for the opportunity to submit testimony. KLA asks that the Committee support HB 2155 and recommend it favorable for passage.