

**Testimony on SB 331
presented to the
Senate Committee on Agriculture and Natural Resources
by the
Kansas Department of Health and Environment
January 23, 2024**

The Kansas Department of Health and Environment (KDHE) respectfully submits this testimony in favor of SB 331. This bill has been proposed to clean up three terms in state statute that have become outdated, inconsistent, and confusing to the regulated community.

First, SB 331 proposes to eliminate the definition of the term “lead free” as it pertains to waterline pipes and pipe fittings in K.S.A. 65-171r(h). Federal requirements require that pipes and fittings have no more than 0.25% lead to be considered “lead free.” Kansas regulations, at K.A.R. 28-15a-43, mirror the federal requirement. The language in K.S.A. 65-171r(h) reflects lead content requirements in place during the early years of the federal Safe Drinking Water Act. These requirements are now inconsistent with present-day regulations. Removing the old definition aligns state statutes with federal law and KDHE regulations. This should not have any impact on the regulated community as they are already required to meet this requirement under federal law.

Second, SB 331 proposes to replace the term “small quantity generator” in four sections: K.S.A. 65-3402, 65-3415, 65-3415a, and 65-3460. The term “small quantity generator” is still used by KDHE and the U.S. Environmental Protection Agency (EPA), but over the years, the definition of this term has shifted at the state level and is now inconsistent with the original intent of the statutes.

SB 331 would replace the use of “small quantity generator” in statute with references to K.S.A. 65-3451. The reference to K.S.A. 65-3451 provides the greatest level of accuracy because generator category names specified in regulation are subject to change. The reference allows Kansas to avoid further statutory changes by eliminating the regulatory generator class name conventions. Going forward, Kansas regulations would be amended to minimize differences between federal and Kansas terminology in order to reduce confusion for the regulatory community.

Finally, SB 331 proposes to replace references to “hazardous wastes” generated by a “farmer” in K.S.A. 65-3415a and 65-3460 with the term “agricultural pesticide wastes.” This is a technical update to state statute to make sure this term is consistent with “agricultural pesticide waste” in K.S.A. 65-3402(z).

These are minor changes but would greatly simplify and harmonize our ability to effectively communicate state and federal regulatory standards in the course of our work in Kansas. Thank you for the opportunity to provide testimony on SB 331.