

**Testimony on SB 114  
presented to  
Senate Commerce Committee  
by  
Kansas Department of Health and Environment  
February 1, 2023**

The Kansas Department of Health and Environment (KDHE) respectfully submits this neutral testimony regarding SB 114. SB 114 would revise existing definitions and add new definitions regarding Advanced Recycling to K.S.A. 65-3402.

KDHE notes this proposed legislation is intended to accomplish two objectives:

- (1) establish that Advanced Recycling is not solid waste disposal or solid waste processing that requires a permit under state statute; and,
- (2) create a level playing field nationally to facilitate the location and construction of Advanced Recycling facilities.

The KDHE believes no revisions to existing state solid waste statutes are necessary in order to achieve the first objective. Advanced Recycling converts post-consumer, or recyclable, plastic into the basic building blocks needed to manufacture new plastic products or fuels. Under the existing definition of solid waste at K.S.A. 65-3402(a) recyclables are not considered solid waste. Therefore, Advanced Recycling facilities would not be required to obtain a solid waste permit and would not be subject to regulations applicable to solid waste facilities.

Regarding the second objective, KDHE is not averse to adding limited language that defines and describes Advanced Recycling to existing Kansas solid waste statutes in a manner consistent with other states' statutes. However, KDHE recommends that any revisions be limited in extent and avoid introducing new or complex terms that are not used anywhere else in the existing statutes and implementing regulations. The use of superfluous language may create confusion in the interpretation and application of definitions to other activities and facilities that are subject to existing state solid waste statutes and regulations.

In conclusion, KDHE understands and appreciates the role Advanced Recycling can play in creating new uses for post-consumer plastics, but we believe limited revisions to existing state statute can accomplish the objectives stated above.

Thank you for the opportunity to provide testimony on SB 114.