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### **TESTIMONY IN OPPOSITION TO HB 135**

Good morning members of the Senate State and Local Government Committee,

My name is Audrey Ernstberger, a staff attorney and lobbyist for Kentucky Resources Council- a non-profit and nonpartisan group of lawyers, policy experts, and advocates working for environmental quality, justice, and health across the Commonwealth.

Thank you for the opportunity to appear before you on the matter of HB 135. In the interest of time- I'll keep this brief.

SB135 would shield solid waste service management companies from disclosures that would make them vulnerable to competition.

While we agree there are legitimate business reasons for some of this information to remain proprietary, we are concerned this bill may interfere with the ability of solid waste management area governing bodies- the Chapter 109 Boards or Fiscal Courts, in ensuring all waste is picked up and handled appropriately. We believe that with some revision, both goals could be better served.

The solid waste management districts (SWMD) were created specifically to safeguard this interest- to ensure universal waste pickup services within its respective jurisdiction and that waste management and disposal does not occur in a way that pollutes our environment.

At the very least, there should be some measure of access to the information to ensure proper waste management practices endure. We believe an amendment that allows the solid waste management area governing body and (or at the very least) the Energy and Environment Cabinet, to request the confidential business information, specifically the customer list, while granting protections from public disclosure under KRS 61.878(1)(c)1, is appropriate. This would adequately protect the solid waste management service companies' proprietary business information and the citizen interest in the solid waste district management having access as necessary to allow it to do the planning for solid waste management that we have demanded of it. We have offered language to the sponsor that would accomplish those two goals.

Thank you for your consideration and service to the Commonwealth.

Audrey Ernstberger