



## KANSAS AGGREGATE PRODUCERS ASSOCIATION

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Edward R. Moses, Managing Director

### COMMENTS

Before the  
Joint Committee on Rules & Regulations

By  
Edward R. Moses  
Kansas Aggregate Producers Association

Regarding  
Proposed Kansas Administrative Regulation 22-4-5  
Concerning Explosives; enacting the Kansas explosives safety act.

July 22, 2013

Madame Chair and members of the committee, my name is Woody Moses, Managing Director of the Kansas Aggregate Producers' Association. Thank you for the opportunity to provide our comments on proposed K.A.R 22-4-5. The Kansas Aggregate Producers' Association (KAPA) is a statewide trade association comprised of over 170 members and one of the few industries to be represented in every county of this state producing vital construction materials. In the process of producing these materials we routinely handle, transport, store and use explosives in order to provide the necessary building materials for our economy. As such, any regulations dealing with explosives and the blasting processes is of vital importance.

As the state's largest consumer of explosives and blasting products our members are very concerned about the provisions contained in the proposed rule as promulgated by the Kansas Fire Marshall's office. Simply put, we feel this rule is too broad in both its scope and purpose. Kansas already has a very precise and comprehensive set of laws and regulations dealing with the manufacture, transportation, storage, sale, licensing, training and use of explosive materials. This body of governance has been carefully developed over many years and includes a precise distribution of authorities between the United States Department of Transportation, the Bureau of Alcohol, Tobacco and Firearms, the Mine Health and Safety Administration, the Occupational Health & Safety Administration, the Kansas State Fire Marshall, Kansas Office of Emergency Preparedness and many local units of government. This current scheme has served Kansas well and we see no reason to upset it by enacting a rule which adopts over 60 pages of new law, and simply overlaps existing regulation and adds nothing to the existing framework. Adoption of K. A. R. 22-4-5 will:

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- Creates unnecessary confusion between existing Federal, State and Local authorities, by adopting NFPA 495 then making 16 deletions, 53 additions and then adopts C.F.R. Part 555, Part 555, Subpart G: and further adopts *IME Safety Library Publication 20*, and then goes on to make deletions to these requirements
- Leads to unnecessary costs, imposed by the creation of more government and bureaucracy to be born by the public and private sector in Kansas, especially as NFPA severely limits access to its publications,
- Leads to potential and unnecessary conflicts with local government, and
- Possibly threatens national security, state security and public safety through the myriad of confusion it would create.

The reality is that we already have a finally tuned system of explosives safety and regulation, which more than adequately promotes the public safety and allows for the safe development of our natural resources, in other words "if it isn't broke, then don't fix it". We urge this committee to reject K.A.R 22-4-5 as ill-considered and unnecessary and in our opinion is constitutionally vague beyond all reason.

Thank you for receiving our comments on this rule, I will be happy to respond to any questions you may have at the appropriate time.