

Testimony Regarding SB 227
Before the Senate Federal and State Affairs Committee
Doug Jorgensen, State Fire Marshal
March 6, 2013

I want to thank the committee for the opportunity to appear here today and present testimony in support of SB 227. SB 227 was introduced to correct an oversight that occurred back in 2010. A previous assistant Attorney General assigned to our office was preparing an update and changes to current rules and regulations and unintentionally removed the rules and regulations pertaining to explosive permit, handling, etc. In consulting the Attorney General's office on the best way to correct the oversight, it was suggested that the easiest and cleanest way would be to have a separate statute pertaining to just explosives and then to adopt new rules and regulations to help enforce and define the agency's responsibilities and authority.

Currently explosive and blasting agent storage permits are addressed in the State Fire Marshal rules and regulations in article/section 22-4. In 1993 22-4-1 was revoked and the National Fire Protection Association (NFPA) standard 495-- which is a nationally recognized standard applying to the manufacture, transportation, storage, sale, and use of explosive materials-- was adopted and moved to the Fire Prevention rules and regulations. In 2010, in a revision of the Fire Prevention rules and regulations, the reference to NFPA 495 was accidentally removed. A problem for our office and the industry arises in that the current rule and regulation article 22-4-2(b) states that before an explosive storage site permit will be issued, the contractor must have a valid explosive user's permit issued by the Fire Marshal's Office in accordance with KAR 22-4-1, which was revoked in 1993.

This explosives act allows for the state to cleanup all of the above issues and place all the statutes, rules, and regulations pertaining to explosives in one act and permits regulation of in-state explosive sales and use. In cooperation with the industry and their input on the new rules and regulations, it will give our office and the industry a better picture of how many manufacturers, users (distributors, wholesalers), blasters, and storage sites are operating in the state. Current records show that there may be as many as 3 manufacturers, 178 users, 1412 blasters, and 201 storage sites. The bill would require renewal of licensing and permits every three years and the annual inspection of the storage sites.

Through conversation with the industry, our office is aware that they have a couple of concerns with the bill. I believe that through the current guidelines and procedures for implementing new rules and regulations that are already in place, and our agreement to an industry advisory group to help the Fire Marshal's Office promulgate the new rules and regulations, their concerns can be addressed.