



Kansas Grain and Feed Association
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March 19, 2024

To: House Committee on Commerce, Labor, and Economic Development
From: Randy Stookey, Senior Vice President of Government Affairs
Re: **Neutral Testimony on HB 2826, amending the elevator safety act concerning the definition of elevator, licensure requirements, inspection and testing requirements, and adoption of rules and regulations**

Chairman Tarwater and members of the committee, thank you for the opportunity to provide testimony on House Bill 2826. This testimony is submitted jointly on behalf of the Kansas Grain and Feed Association (KGFA) and Renew Kansas Biofuels Association (Renew Kansas).

KGFA is the state association of the grain receiving, storage, processing, and shipping industry in Kansas. Representing 99% of the commercially licensed grain storage in the state, KGFA membership exceeds 950 Kansas business locations. Renew Kansas is the trade association of the biofuels industry in Kansas.

Our member grain elevators and biofuel processing plants greatly benefit the Kansas economy. They provide gainful employment for thousands of Kansans across the state and pay millions of dollars in property taxes which help fund schools and local government services.

In 2022, the legislature passed HB 2005 creating the Elevator Safety Act. This law established new requirements for licensure of elevator contractors, mechanics, and inspectors; required elevators to be certified annually; and assigned administration duties to the State Fire Marshal, including authorities to assess fees and civil penalties.

Historically, our associations had opposed similar legislation, as it would have negatively, and unnecessarily, affected certain lift equipment within our industrial facilities. When HB 2005 was introduced, we worked with proponents of the legislation to fully exempt our industry, based on the following:

- Our industries are industrial properties that are directly and heavily regulated by the US Occupational Safety and Health Administration (OSHA) through a special industry local emphasis program (LEP).
- Conveyance systems at grain elevators are inspected annually by OSHA pursuant to specific OSHA regulations and standards (20CFR1910.68, 29CFR1917.117, and ANSI standard A90.1-1969).
- Insurance companies and internal safety officers inspect the conveyance systems against industry standards (*American Society of Mechanical Engineers (ASME) code A17.1 (Sect. 5.7 SPPE design, Sect. 8 Testing and Requirements); ASME A17.3 Safety Codes for Existing Man-lifts; and ANSI standard A90.1-1969.*)
- Additional layers of regulation and inspection of our facilities exist within certain municipalities.
- Lift equipment within our facilities is not accessible to, or used by, the general public.

In addition, other states that have adopted this model legislation intentionally exempted our industries. For these reasons, our industry facilities were fully, and intentionally, exempted from the bill. However, if our industries had not been exempted, we would have opposed the legislation.

House Bill 2826 would make various changes to the Elevator Safety Act, but those proposed changes would not affect our industry. For that reason, we appear neutral on the bill. Should the Committee decide to take further action on the bill, we ask that the current provisions in the law exempting our industry go unchanged.

Thank you for allowing us the opportunity to provide neutral testimony on House Bill 2826.