



Kansas Grain and Feed Association
Renew Kansas Biofuels Association
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January 19, 2022

To: House Committee on Federal and State Affairs
From: Randy Stookey, Senior Vice President of Government Affairs
Re: **Joint Neutral Testimony on Senate Bill 181, creating a state elevator safety act to require inspections of elevators and licensure for elevator installation and repair.**

Chairman Barker and members of the committee, thank you for the opportunity to provide testimony on Senate Bill 181. 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. KGFA's membership includes over 950 Kansas business locations and represents 99% of the commercially licensed grain storage in the state.

Renew Kansas is the trade association of the Kansas biofuels processing industry with membership encompassing the ethanol and biodiesel processing industries in Kansas.

Senate Bill 181 would create a new state-level regulatory program for the licensing, inspection, and maintenance of elevators. An "elevator" is defined in the bill as any "device for lifting or moving people, cargo or freight within, or adjacent and connected to, a structure."

Grain storage and biofuel industries utilize manlifts and other conveyance systems in their facilities. However, these industries, and the special purpose elevators used by these industries, were specifically, and intentionally, exempted from this bill for the following reasons:

1. Other states - including Missouri, Oklahoma, and Colorado – in adopting similar legislation, specifically exempted the grain and agricultural commodity processing industries.
2. Elevators used at these facilities are neither accessible to, nor used by, the general public.
3. The Kansas grain industry is heavily regulated by the U.S. Occupational Safety and Health Administration (OSHA) through a special industry local emphasis program (LEP).
4. As a part of the OSHA special emphasis program, man-lifts at grain elevators are inspected via random and programmed inspections under OSHA regulations 20CFR1910.68, 29CFR1917.117, and ANSI standard A90.1-1969.

5. In addition, insurance companies for the industry require annual or bi-annual inspections of man-lifts at facilities under the following 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.
6. Multiple layers of protection, regulation, and safety for industry conveyance systems are provided by insurance company loss control officers, internal safety officers, external inspectors and maintenance companies, and certain municipalities. Various inspections on the systems are performed monthly, bi-annually, and annually.

Each additional layer of inspection and regulation brings its own associated costs. If these industries were not specifically exempted from this bill, this additional state-level layer of regulation would be duplicative, overly burdensome, and add unnecessary costs. As most grain facilities have multiple conveyance systems, the new additional costs and administrative hurdles would be compounded for each conveyance system.

For these reasons stated above, our industries were specifically, and intentionally, exempted from the bill. Therefore, we appear neutral on the measure. If our industries were not exempt, however, we would strongly oppose the bill.

Thank you for allowing us the opportunity to testify, and we will stand for questions at the appropriate time.