



TESTIMONY

Date: March 6, 2013
Before: The Senate Committee on Federal & State Affairs
By: Philip H. Porter
Regarding: SB 227 – Enacting the Kansas Explosives Act

Good Morning Mr. Chairman and Members of the Committee:

My name is Philip Porter, General Manager, Buckley Powder Company. Buckley Powder Company distributes explosives and performs blasting services throughout Kansas. I am also the President of the HEARTLAND Chapter of the International Society of Explosives Engineers, which is a non-profit organization of users of explosives whose purpose is to advance the safe, scientific use of explosives. Explosives are an integral part of a modern society. If it cannot be grown, it must be acquired with the use of explosives. I appreciate the opportunity to appear before you today in opposition to SB 227.

I was introduced to explosives by my father who owned an explosives distribution company and have personally managed manufacturing or distribution sites in eleven states, in addition to sales and marketing roles throughout North America. I have witnessed first-hand the transition from a loosely regulated industry to a highly regulated industry. Because of this experience, I can tell you that the explosives industry is not opposed to regulations. Quite frankly we have through the years welcomed “common sense” regulations. Too many times we have been the recipient of regulations that over reach and are not based in scientific fact or established legal precedent. Our opposition to this proposed legislation is based on the open ended nature of this bill. In the five pages of this bill there are four references to regulations adopted after the bill has been passed. It is our opinion that the laws, rules, regulations, standards and practices for the use of explosives are sufficiently established by law, legal precedent and time. Because of these general national standards any and all rules or regulations should be offered in writing and a part of the act. It is not necessary to have rules established after the law is passed.

Secondly, we feel a properly established Advisory Board should be part of any governance over the explosives industry. The explosives using community is already heavily regulated by a minimum of seven Federal agencies. We as an industry are always welcome participants in developing rules to keep our people and our communities safe. Due to the extremely technical aspects involved in the manufacture, transportation or use of explosives, there are many specialized facets of our business. Experts of these specialized aspects cannot be hired from the

colleges nor are these individuals readily available in the job seeking public. It is for this reason that the industry has many individuals and working associations that collectively work with federal and state agencies to monitor and amend existing regulations. Many states utilize industry experts on governing boards in order to more effectively manage the use of explosives within their state. We agree with this approach and it is our opinion that a properly established Advisory Board that gives equal weight and authority to both the representatives of the Fire Marshall Office and industry experts should be utilized. This board would through the Fire Marshall's Office provide common sense standards that are properly vetted for proven safety criteria and are aligned properly with existing federal standards and legally established practices. Overlapping agencies do not create effective or efficient regulations and do not advance the safe use of explosives.

The explosives using community presently has a good working relationship with the Kansas Fire Marshall's Office. We do not oppose this legislation through ill will or acrimony. We just feel there is a more prudent way to advance the goal of safe, proper, effective use of explosives for the citizens of the State of Kansas.

I thank you for your time. I would be glad to respond to any questions at the appropriate time.

Philip H. Porter
General Manager
Buckley Powder Company
6731 W 121st Street, Suite 220
Overland Park, KS 66210