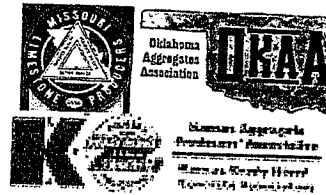




The PEXCO Company, LLC.

Precision Explosives Control

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7/22/2013

Before: The Joint Committee on Rules and Regulations

By: Russell N Pilshaw

Regarding: KAR 22-4-2, revocation (explosive and blasting agent storage permits); KAR 22-4-3, revocation (definitions); KAR 22-4-4, revocation (purchase of explosive materials in contiguous state); KAR 22-4-5, adoption by reference

Good Morning Mr. Chairman and Members of the Committee:

My name is Russell N Pilshaw -President/Member of The PEXCO Company, LLC -Lenexa, Kansas. The PEXCO Company, LLC performs drilling and blasting services throughout the Midwest and is headquartered in Lenexa, Kansas. I am also a 37 year member of the International Society of Explosives Engineers and the Past -President of the HEARTLAND Chapter of that organization. This organization has been responsible for the training of hundreds of blasters and regulators within the State of Kansas, as to the safest and best practices when using and handling commercial explosives products in and around the general public.

In 2010 over 23 million pounds and in 2011 a slight reduction to just over 22 million pounds of explosives were used safely within the State of Kansas for construction of our infrastructure, quarrying of building materials and mining of our natural energy resources. In fact when we look around us -there is not much that we consume today that did not have its origins based on the initial use of explosives. I am proud of being a part of this very technical industry and I appreciate the opportunity to appear before you today ask you to defer the pending legislative policy review until industry and regulatory can correct language and possibly add to current language that is contained or not contained within the text of the proposed regulation.

My primary concern is that, as one of the most regulated industries, the blasting industry, and in particular PEXCO, is not opposed to regulations, but as is the case within Kansas each city, municipality, or county has its' own blasting regulations, which may or may not have been written based on the science of blasting. The State regulations and the current proposed adoption of NFPA 495, in part, do not establish a common requirement for many of the areas of concern to the general public's safety or the safe use of explosive, in general. Currently, each municipality may or may not have enacted regulations that have been based on emotions of fear and unfounded concern for damages that are claimed to be from blasting.

As the owner of a specialty drilling and blasting company, I welcome regulations that are based on a common goal of the "safe use of explosives" that is based on facts, rather than the emotions of persons that are not part of the blasting industry. NFPA 495 was written to regulate the "safe use, storage, manufacture and transportation of explosives and as such is and should be considered as the "future" regulations in all Kansas jurisdictions', for the safe use of explosives -as my father has said so many times -if its' not in writing its' nor real-The Safe Use of Explosives is real and the regulations should be in writing, consistent with fact and be enforced.

Several sections have been deleted, several new sections or additions have been added, that affect the interpretation and workings of NFPA 495, from both the users and regulators standpoint - After one meeting and discussion with the State Fire Marshal's office , this new version was written and approved without review for errors and omissions by the industry. I feel we - the industry - have an opportunity to enhance these regulations for the benefit of the State of Kansas and its' general public's safety concerns.

I work weekly with the various fire marshals of numerous cities and municipalities' within Kansas in obtaining blasting permits for construction projects and have over the years had various members of those organizations in our training classes_ Even though they understand the general explosives and blasting rules may say one thing -their regulations say another -they would like to see a coordinated state regulation that would be the same from city to city. For example, when I work within certain footage from one city

to another the cost of doing a project may increase by a significant amount, due to the inconsistency of the regulations. In other situations we are required to notify people at an arbitrary distance - outside a safe zone of blasting that explosives will be used in a certain area at a certain time - with this requirement we cannot control the information and as a result information as to the location of explosive activity could be disseminated to persons that of adverse character.

To reiterate what others have said "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 request to defer is based on the open ended nature of this bill. "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 complete writing and a part of the regulations.

Overlapping agencies and dissimilar blasting regulations do not create effective use of a state or local regulators time or advance the safe use of explosives.

Again, The explosives using community presently has a good working relationship with the Kansas Fire Marshall's Office. We do not oppose this type of regulation, just the way it is enacted without completeness of thought with the goal of safe, proper, effective use of explosives for 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.

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