

## TESTIMONY

Date: March 6, 2013  
Before: The Senate Committee on Federal & State Affairs  
By: Keith Henderson  
Technical Manager, Buckley Powder Co.  
Regarding: SB 227 – Enacting the Kansas Explosives Act

Good Morning Mr. Chairman and Members of the Committee:

My name is Keith Henderson, Technical Manager Buckley Powder Company. I would like to thank you for allowing me time to address the committee regarding SB 277. I am a current Board Member for the International Society of Explosives Engineers (ISEE), and I am the Chairman for the ISEE Public Education & Public Relations (PEPR) Committee as well as a member of ISEE's Government Affairs Committee. I am also a member of several other professional organizations.

I have been in the explosives industry over 20 years, beginning as a blaster trainee, then as a lead blaster for nearly 8 years, responsible for over 1500 blasts. As Technical Manager for Dyno Nobel and Buckley Powder Company I have developed and provided training for our blasters, and other blasters throughout the industry. I am also a guest lecturer for Kansas and Missouri Blaster Training seminars. I also guest lecture for two different explosives courses offered at Missouri S&T for electronic detonators and vibration control. I am responsible for neighbor relations and complaint response, product introduction and training, and Technical services including signature hole analysis, profiling, boretraking, Velocity of Detonation Recording (VODR), fragmentation analysis, and high speed video analysis.

The International Society of Explosives Engineers (ISEE) was formed in 1974 as a professional society dedicated to promoting the safety, security and the controlled use of explosives in mining, quarrying, construction, manufacturing, demolition, aerospace, forestry, avalanche control, art, automotive, special effects, exploration, seismology, agriculture, law enforcement, and many other peaceful uses. To this end, the ISEE works closely with U.S. Federal Agencies inclusive of ATF, DOT, DHS, MSHA to name a few.

The ISEE offers a forum for members throughout the society (including industry regulators and education) to submit, review, and discuss industry understanding and standards for the use of explosives. This supports the promotion of safe explosives use through sound scientific research regarding explosive use. Safety is of top priority among explosive manufacturers and users. Sound scientific blast designs are the safest for the public at large, but also provide the best results for the user.

My concern and opposition to this bill are related to the lack of parameters associated with the promulgation of rules, and the addition of regulations in areas already regulated under federal law.

The terms used in SB 227 are general and unlimited, and as a result could lead to easy adoption of rules that could be overly burdensome on every user of explosives. In addition, the complexity of the use of explosives would demand a level of expertise beyond basic training offered to many within the promulgating authority. In other words, it would be optimal to use the input of rule promulgation from industry professionals including manufacturers, distributors, users, seismic specialist and the regulating authority. The I.S.E.E., its chapters, and members have been involved in the development of Federal and State standards since their inception. I am not aware of any state that has adopted standards for explosives and blasting that did not seek the advice of industry experts. This would help insure that rules are based on current scientific standards, eliminating concern that rules would be too arduous for the users of explosives, and not too lax to provide adequate regulation or safety to the general public.

The proposed bill also duplicates current standards in place for the manufacturing and storage of explosives. This is already governed by ATF, and at times additionally covered by MSHA and OSHA as well. This includes initial approval of storage as well as annual audits and inspection of storage sites. The transportation of explosives is covered by the Federal Department of Transportation under the Federal Motor Carrier Safety Administration. In light of this fact I question why additional rules would be necessary when the explosives industry is often the leader in safe transportation of products.

The International Society of Explosives Engineers is always supportive of regulatory laws that have a positive impact on the safety of explosive manufacturing, transportation and use. The problem with SB 227 is that the bill lacks specifics and restrictions to assure that sound scientific rules will be promulgated. It is a "blank check," if you will, to enact any rules deemed necessary, with no protection for the impact that it may have on those in the industry.

Safety is always the top priority for all involved in explosives; our lives literally depend on it. The industry's main concern though is related to our sense of responsibility to the public at large. I know of no individual or company within the industry that doesn't put safety of the general public ahead of production and profitability goals.

Thank you for your time and I would be glad to respond to any questions you may have.

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