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March 3, 2005

Honorable Kathleen McGinty, Secretary  
Department of Environmental Protection  
16<sup>th</sup> Floor, Rachel Carson State Office Building  
400 Market Street  
Harrisburg, PA 17105

Dear Secretary McGinty:

We write to you today regarding the final rulemaking (notice of proposed rulemaking omitted) on the handling, use, and storage of explosives.

It has been called to our attention that the regulations would be very burdensome for the many small businesses that produce the fireworks displays we view at public events, as well as the many reputable companies that utilize explosives for demolition and quarrying work. While we understand there is a need for the security of explosives used in mining and construction activities, it is also our belief that such regulations must be reasonable and logically related to particular law enforcement concerns. In addition, explosives used in the pyrotechnics industry are of such a different nature that their storage need not be regulated in the same manner.

We understand the department met with representatives of the pyrotechnics field and the other related explosives industries late during the regulatory review process. Based on these discussions, we understand several changes were made to the regulations. However, it also appears that sufficient opportunity to fully consider suggested improvements to the proposed regulations from industry representatives was not possible given the abbreviated timeframe to implement these regulations. It may be that exemptions from certain fencing or security requirements, alternative regulatory methods, and other potential options might be more appropriate with respect to the storage of certain industrial explosives and commercial pyrotechnic displays. Additional industry input could lead to other changes that would complement security and industry goals equally.

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Because of your reputation for fair-mindedness, we hope that discussion is not closed yet on this subject. We strongly urge you and the department to hold further consultations with industry members to obtain additional input before final promulgation of these regulations. Thank you for your willingness to consider our concerns and suggestions, and please feel free to contact us if you have any questions. We look forward to hearing from you soon.

Sincerely,



CRAIG A. DALLY  
State Representative  
138<sup>th</sup> Legislative District



DOUGLAS G. REICHLEY  
State Representative  
134<sup>th</sup> Legislative District

cc: Mr. John McGinley, Jr., Chairman, Independent Regulatory Review Commission

CAD/gkp