



STATE OF WASHINGTON  
DEPARTMENT OF LABOR AND INDUSTRIES

*Division of Occupational Safety and Health*

January 26, 2011

The Honorable Jamie Pedersen  
P.O. Box 40600  
Olympia, Washington 98504-0600

Dear Representative Pedersen:

The Department of Labor and Industries (L&I) opposes House Bill 1066. We believe the proposed increase will substantially increase the risk of a black powder explosion with the unintended consequence of greatly decreasing public safety.

As you know, the bill would permit up to 50 pounds of black powder in a vehicle if a placard is displayed under rules L&I would be required to promulgate. It is important to point out that while L&I does enforce the Washington State Explosives Act, transportation of explosives on public highways are regulated by the United States Department of Transportation (US DOT) and the Washington Utilities and Transportation Commission with administration and enforcement by the Washington State Patrol. L&I regulates transportation of explosives on job sites and off highway roads.

This legislation requires that vehicles have a proper placard, which is important, but does require the driver comply with any US DOT or L&I requirements for the transportation of explosives. These requirements include restrictions on passengers, cargo, and parking. Also required are vehicle safety inspections including the verification that fire extinguishers are proper and working, electrical wiring is protected, and fuel tank and feed lines are secure and have no leaks.

As demonstrated in the video provided to the Judiciary Committee at the public hearing on January 20, 2011, by Chuck Duffy, Washington State Fire Marshal, 5 pounds of black powder in a vehicle results in significant destruction when ignited. To permit the increase to 50 pounds would increase the danger to other vehicles and any first responders in the event of an accident resulting in an explosion.

In addition, HB 1066 would allow up to 20 pounds of black powder to be stored unattended in a residence when stored in a secure explosive container. These changes would increase the danger to occupants, nearby persons, and any first responders fighting a fire without knowing black powder is present. It is also important to note that HB 1066 does not include a definition of an "secure explosive container".

L&I appreciates the concerns of those who participate in historical battle re-enactments. L&I does not believe an across the board increase in the amount of black powder that can be transported in private vehicles or stored in private residences is in the interest of public safety. While L&I believes that those who participate in historical battle re-enactments and wish transport or store quantities of black powder above the current 5 pound exemptions can do so within the existing regulatory framework, we are willing to help identify more appropriate and specific solutions to their concerns.

Sincerely,

/s/

Michael A. Silverstein, M.D., MPH  
Assistant Director  
Division of Occupational Safety and Health

cc: Members and staff of the House Judiciary Committee  
Washington State Patrol  
Washington State Utilities and Transportation Commission  
Washington State Fire Marshall