

STATE OF KANSAS



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Mike Hayden *Governor*

EXECUTIVE ORDER NO. 88-112

INSTRUCTING THE DEVELOPMENT OF REPORTING AND
PLANNING REGULATIONS FOR HAZARDOUS MATERIALS
NOT INCLUDED IN THE FEDERAL PLANNING AND COMMUNITY
RIGHT TO KNOW ACT

Executive Department
State House
Topeka, Kansas

WHEREAS, the executive power of the Governor of the State of Kansas may be exercised through issuance of Executive Orders; and

WHEREAS, the issuance of such a document is recognized as inherent power vested in the chief executive of this state; and

WHEREAS, it is the proper role of state government to assist in the formulation and implementation of public policies designed to promote public health, safety and welfare; and

WHEREAS, the tragedy of losing lives due to the storage of large quantities of ammonium nitrate is a present danger due to the exclusion of such explosive materials from the reporting requirements of the federal Emergency Planning and Community Right-to-Know Act; and

WHEREAS, state government has a responsibility to take steps to prevent such tragedies in the State of Kansas.

NOW THEREFORE, pursuant to the authority vested in me as Governor and chief executive of the State of Kansas, I hereby instruct the Secretary of the Kansas Department of Health and Environment and the Adjutant General to take

immediate steps to develop, in conjunction with the Community Right to Know Program and the Emergency Preparedness operations, recommendations for reporting ammonium nitrate and other dangerous explosive materials as necessary to protect the public health, safety and welfare of Kansans. Further, I hereby instruct the Secretary of the Kansas Department of Health and Environment and the Adjutant General to have their Department's recommendations presented to the State Emergency Response Commission for review and to submit their recommendations back to me. These recommendations should: (1) authorize additional reporting and planning requirements necessary to protect the public and emergency personnel in the event of accidents involving hazardous materials not covered by the federal right-to-know act; and (2) identify hazardous substances that must be reported, the threshold planning quantity for each substance and the types of facilities or persons subject to these requirements.

This document shall be filed with the Secretary of State as Executive Order No. 88-112 and shall become effective immediately.

THE GOVERNOR'S OFFICE

December 31, 1988