

STATE OF ARKANSAS
DEPARTMENT OF LABOR
SAFETY CODE

Code No. 13

BLASTING REGULATIONS

Promulgated

by

ARKANSAS DEPARTMENT OF LABOR
Little Rock, Arkansas

These rules and regulations are promulgated by the Director of Labor of the State of Arkansas pursuant to the authority granted by Ark. Code Ann. §§ 20-27-1102 (Repl. 1991).

13-(a) PURPOSE.

(1) The purpose of these regulations is to ensure that all individuals engaged in blasting meet certain minimum qualifications and have been trained in the handling and use of explosives, as well as the storage of explosives, the transportation of explosives, record keeping, primary blasting and secondary blasting.

(2) These rules and regulations are intended to ensure that blasting in Arkansas is conducted by qualified individuals.

13-(b) SCOPE AND APPLICATION.

(1) These rules and regulations require that all individuals, prior to performing or conducting any blasting operation, meet minimum age, education, experience, and training standards.

(2) These rules and regulations do not establish or address minimum standards for the performance of blasting operations. They address only the minimum qualifications of those individuals performing blasting.

(3) These regulations do not apply to:

(I) Blasting conducted by an agricultural operation on property owned or controlled by the agricultural operation;

(ii) Blasting conducted at a surface coal mine regulated by the Department of Pollution Control and Ecology pursuant to the Arkansas Surface Coal Mining and Reclamation Act, §§ 15-58-101 et seq.; and

(iii) Blasting conducted during seismic operations regulated by the Oil & Gas Commission pursuant to Ark. Code Ann. § 15-71-114.

13-(c) DEFINITIONS.

(1) "Agricultural operations" mean farming operations, including the cultivation and harvesting of crops and the raising of livestock, but does not include timber or logging operations;

(2) "Blasting" means an explosion and the effects of such an explosion;

(3) "Blasting agents" mean any material or mixture consisting of fuel and oxidizer, intended for blasting, not otherwise defined as an explosive (non-cap sensitive);

(4) "Construction" means the fabrication, erection, or building of pipelines, sewer lines, water lines, utilities, roads or buildings, including preparatory work and demolition work, which involves blasting;

(5) "Department" means the Arkansas Department of Labor;

(6) "Director" means the Director of the Arkansas Department of Labor;

(7) "Explosives" mean any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion (the almost instantaneous release of heat and gas);

(8) "Handling" means the use of explosives and/or detonators;

(9) "Mining" means the extraction of minerals from the earth in nonliquid form or, if in liquid form, the extraction with workers underground and specifically includes quarries;

(10) "Storage" means any facility, such as a magazine, used for storing blasting agents; and

(11) "Transportation" means the carrying of explosives from one location to another.

13-(d) MINIMUM QUALIFICATIONS.

(1) No person shall perform blasting in Arkansas unless he/she:

(I) is twenty-one (21) years of age or older;

(ii) is a high school graduate or its equivalent;

(iii) is certified by the Department as having met the minimum training requirements of Regulation 13-(e) herein; and

(iv) has two (2) years experience in blasting or drilling operations under the direct supervision of someone qualified and certified to perform blasting in Arkansas; or has an engineering degree; or has two (2) years experience supervising blasting operations and the work of those performing blasting in a state other than Arkansas.

(2) Exceptions.

(I) The educational requirement of Regulation 13-(d)(1)(ii) and the experience requirement of Regulation 13-(d)(iv) shall not apply to those individuals who on the effective date of these regulations have been regularly performing blasting for a period of five (5) years or more. Such individuals must meet the other requirements of Regulation 13-(d)(1), including certification as having met the minimum training requirements.

(ii) Notwithstanding the provisions of regulation 13-(d)(1), a person may perform blasting if he/she is certified by the Department as a trainee pursuant to Regulation 13-(g) and is working under the direct supervision of someone qualified and certified to perform blasting in Arkansas.

13-(e) TRAINING.

(1) All individuals performing or conducting blasting shall have completed a training course approved by the Department of Labor on the handling, use, storage, and transportation of explosives.

(2) Frequency of training.

(I) Initial training shall be completed within one (1) year of the effective date of these regulations. Individuals who have been regularly supervising blasting operations for a period of five (5) years or more may, upon verification of such experience by the Department, complete refresher training within one (1) year of the effective date of these regulations in lieu of initial training.

(ii) Refresher training shall be completed at least every three (3) years.

(3) Approved training programs.

(I) The Department of Labor has approved the following training courses:

(A) the course offered by the Department of Labor which consists of forty (40) hours of training for individuals that use five hundred one (501) pounds or more of explosives at anyone given time and twenty (20) hours of training for individuals that use five hundred (500) pounds or less of explosives at anyone given time; and

(B) any course for blasters approved and certified by the Office of Surface Mining, U.S. Department of Interior.

(ii) Application may be made to the Department for approval of a training course or program other than as provided in Regulation 13-(e)(3)(I). Such a course or program shall be substantially similar to the course offered by the Department of Labor. Application for approval of such a course shall be made by letter and shall include a course outline or syllabus, together with the name (s) and credentials of any instructor(s). The

Department shall investigate the application prior to approval.

(4) Substance of training.

(I) The initial training offered by the Department of Labor shall include the following:

(A) the proper means of storing explosives, including the requirements of:

- 27 C.F.R. §§ 55.1-55.11 and 55.201-55.224 (1991);
- 30 C.F.R. §§ 56.6100-56.6133; 57.6100-57.6133; 75.1312 - 75.1313; and 77.1301 (1991); and
- Arkansas Department of Labor, Safety Code No. 8.

(B) the proper means of transporting explosives, including the requirements of:

- 30 C.F.R. §§ 56.6200 - 56.6205; 57.6200 - 57.6205; 75.1311; and 77.1302 (1991); and
- 49 C.F.R. §§ 172.1 et seq.; 173.1 - 173.63; and 177.800 et seq. (1991).

(C) the proper means of using explosives, including the requirements of:

- 29 C.F.R. §§ 1910.109; 1926.900 - 1926.914 (1991);
- 30 C.F.R. §§ 56.6300 - 56.6904; 57.6300 - 57.6960; 75.1300 - 75.1328; 77.1300 - 77.1304; and 715.19 (1991); and
- Arkansas Department of Labor, Safety Code No. 8.

(ii) The initial training offered by the Department of Labor shall consist of the following:

(A) Forty (40) hours of training for individuals who use five hundred one (501) pounds or more of explosives at any one given time. This will include most individuals performing blasting as a part of mining operations. This forty (40) hours of training will include classroom training and field observation; or

(B) Twenty (20) hours of training for individuals who use five hundred (500) pounds or less of explosives at any one (1) given time. This will include most individuals performing blasting as a part of construction. This twenty (20) hours of training will include classroom training only.

(iii) At the conclusion of each initial training course, the Department will administer an examination solely for the purpose of providing the participant with a tool to help measure his or her level of expertise. Should a participant fail to achieve a score of at least sixty percent (60%), the Department may recommend additional training.

(iv) Refresher training shall be offered by the Department at least twice annually.

(A) Refresher training offered by the Department shall consist of a sixteen (16) hour course for those individuals covered by Regulation 13-(e)(4)(ii)(A) with respect to their initial training.

(B) Refresher training offered by the Department shall consist of a eight (8) hour course for those individuals covered by Regulation 13-(e)(4)(ii)(B) with respect to their initial training.

13-(f) CERTIFICATION.

(1) The Department shall certify that individuals meet the minimum qualifications established by Regulation 13-(d), including the training requirement of Regulation 13-(e) upon submission of an application on a form approved by the Department; proof that the minimum qualifications have been met or the applicant qualifies for an exemption; and the required fees.

(2) Each certificate of qualification shall expire on its face three (3) years from the date of issue. A new certificate of qualification shall be issued upon verification from the certificate holder that refresher training in conformity with Regulation 13-(e) has been completed.

13-(g) TRAINEES.

(1) The Department shall certify that an individual is a trainee authorized to perform blasting upon submission of an application on a form approved by the Department and verification that the trainee's supervisor is qualified and certified to perform blasting.

(2) Each trainee certificate shall expire on its face two (2) years from the date of issue.

(3) No individual may be certified as a trainee for a period longer than two (2) years. Upon the expiration of a trainee's certification, he /she must meet the minimum

qualifications of Regulation 13-(d)(1).

(4) If a certified trainee provides written notice to the Department at the time he/she ceases to be employed as a blaster trainee, he/she may subsequently obtain a new trainee certificate for the unexpired portion of the two (2) year training period.

13-(h) FEES.

(1) There shall be a twenty-five dollar (\$25.00) fee for certifying an individual meets the minimum requirements to perform or conduct blasting or as a trainee.

(2) There shall be a fee of twenty-five dollars (\$25.00) for training material in the initial training offered by the Department pursuant to Regulation 13-(e). There shall be no fee for the refresher training offered by the Department pursuant to Regulation 13-(e).

13-(I) ENFORCEMENT.

Any person who knowingly violates any provision of Ark. Code Ann. §§ 20-27-1101 through 20-27-1103 or any provision of these regulations shall be guilty of a Class B misdemeanor as provided by Ark. Code Ann. § 20-27-1101.

13-(j) EFFECTIVE DATE.

The effective date of these regulations shall be February 1, 1993.