

EXPLOSIVES USE REGULATION LAW
Act of Jul. 10, 1957, P.L. 685, No. 362
AN ACT

Cl. 35

Regulating the use of explosives in certain blasting operations; requiring examination and licensing of certain explosives' detonators and prescribing the fee thereof; and conferring powers and imposing duties on the Department of Labor and Industry.

Compiler's Note: Section 2 of Reorganization Plan No.8 of 1981 provided that all the functions, powers and duties of the Department of Labor and Industry as set forth in Act 362 are transferred to the Department of Environmental Resources.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Definitions.--As used in this act--

(1) "Explosives" mean any chemical compound or other substance intended for the purpose of producing an explosion, or that contains oxidizing and combustible units or other ingredients in such proportions or quantities that ignition by detonation may produce an explosion, capable of causing injury to persons or damage to property.

(2) "Blasting Operation" means the use of explosives in the blasting of stone, rock, ore or any other natural formation, or in any construction or demolition work in which six or more employees are engaged, but shall not include its use in agricultural operations or in anthracite or bituminous coal mines or strip mining operations.

(3) "Blaster" means a person licensed to fire or detonate explosives in blasting operations.

Section 2. Examination and Licensing of Blasters; Fees.--No person shall detonate explosives in any blasting operation unless he has passed an examination, prescribed by the Department of Labor and Industry, which shall test the examinee's skill and knowledge of the principles and practice of blasting operations and the storage, moving, handling and detonation of explosives. Application for examination as a blaster shall be in writing upon a form furnished by the department and shall be accompanied by a fee of ten dollars (\$10). If the applicant is successful in passing the examination, a license indicating his competency to detonate explosives shall be issued upon the payment of an additional fee of five dollars (\$5). Anything hereinbefore to the contrary notwithstanding, the department shall issue a license without examination to any applicant who shall show to the department that he has, at the effective date hereof, had three years experience in the handling and use of explosives. Each blaster shall be required to renew his license each year by application to the department, which application shall be accompanied by a

fee of three dollars and fifty cents (\$3.50). The Secretary of Labor and Industry may suspend any license for due cause but no license may be revoked until the licensee has been granted a hearing.

(2 amended July 12, 1961, P.L.581, No.283)

Section 3. Blasting Operations Conducted in Accordance With Regulations.--(a) The use of explosives for the purpose of blasting in the neighborhood of any public highway, stream of water, dwelling house, public building, school, church, commercial or institutional building, or pipe line, shall be done in accordance with the provisions of this section, and rules and regulations promulgated by the Department of Labor and Industry.

(b) In all blasting operations, except as hereinafter otherwise provided, the maximum peak particle velocity of any one of three mutually perpendicular components of the ground motion in the vertical and horizontal directions shall not exceed 2 inches per second at the immediate location of any dwelling house, public building, school, church, commercial or institutional building.

(1) Instruments for determining particle velocity as set forth in this subsection shall be limited to such specific types of devices as shall have been expressly approved by the Department of Labor and Industry, and the Secretary of Labor and Industry or his duly authorized agent may enter upon any premises for the purpose of conducting or supervising any necessary instrumentations provided by this act.

(2) Blasting operations without instrumentation will be considered as being within the limits set forth in this subsection if at a specified location on at least five blasts instrumentation has shown that the maximum peak particle velocity at the specified location is fifty percent (50%) or less than the limit set forth in this subsection: Provided, That for all future blasts the scaled distance is equal to or greater than the scaled distance for the instrumented blast. "Scaled distance" means the actual distance in feet divided by the square root of the maximum explosive weight in pounds that is detonated per delay period for delay intervals of eight (8) milliseconds or greater. If delay intervals less than eight (8) milliseconds are employed or if instantaneous blasting is employed, scaled distance shall be computed by dividing the actual distance in feet by the square root of the total explosive weight in pounds.

(3) When blasting operations are contemplated which would result in ground vibrations that would have a particle velocity of any one of three (3) mutually perpendicular components in excess of 2 inches per second at the immediate location of any dwelling house, public building, school, church, commercial or institutional building, blasting operations may proceed after receiving written consent from the property owner or owners affected and the Secretary of Labor and Industry.

(c) When blasting operations, other than those conducted at a fixed site as a part of an industry or business operated at such site, are to be conducted within two hundred feet of a pipe line, the blaster or person in charge of the blasting operations

shall take due precautionary measures for the protection of the line, and shall notify the owner of the line or his agent that such blasting operations are intended.

(d) Blasting operations near streams shall be prohibited in all cases where the effect of the blasting is liable to change the course or channel of any stream without first obtaining a permit from the Department of Labor and Industry which has been approved by the Water and Power Resources Board.

(e) Blasting operations shall not be conducted within eight hundred feet of any public highway, unless due precautionary measures are taken to safeguard the public.

(f) Mudcapping in blasting operations shall be permitted only where it would endanger the safety of the workmen to drill the rock or material to be blasted. If mudcapping is necessary, no more than ten pounds of explosives shall be used for each charge.

(g) All trunk lines of detonating fuse may be covered, except that trunk lines of detonating fuse shall be covered if located within eight hundred feet of any public highway, dwelling house, public building, school, church, commercial or institutional building.

(3 amended Jan. 26, 1966, 1965 P.L.1616, No.512)

Section 4. Promulgation of Rules and Regulations Authorized.--The Department of Labor and Industry may promulgate additional rules or regulations it deems necessary not inconsistent with law to effectuate the provisions of this act.

Section 5. Penalties.--Any person violating any of the provisions of this act, or any of the rules or regulations of the Department of Labor and Industry made pursuant thereto, shall, upon conviction in a summary proceeding, be sentenced to pay a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100), and upon failure to pay such fine and costs, shall undergo imprisonment for not more than thirty days.