

Editor's Note: As part of this proposal, the EQB is proposing to delete the existing text of Chapter 210 which appears at *Pennsylvania Code* pages 210-1 through 210-5, serial numbers (243459-243463).

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
SUBPART D. ENVIRONMENTAL HEALTH AND SAFETY
ARTICLE IV. OCCUPATIONAL HEALTH AND SAFETY
CHAPTER 210. BLASTERS' LICENSES**

GENERAL PROVISIONS

- 210.11. Definitions.
- 210.12. Scope.
- 210.13. General.
- 210.14. Eligibility Requirements.
- 210.15. License Application.
- 210.16. Examinations.
- 210.17. Issuance and Renewal of Licenses.
- 210.18. Reciprocity.
- 210.19. Suspension, Modification and Revocation.

§210.11. Definitions.

The following words and terms when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Blaster – A person who is licensed by the Department under this chapter to detonate explosives and supervise blasting activities.

Blaster Learner – An individual who is learning to be a blaster and who participates in blasting activities under the direct supervision of a blaster.

Blaster's License - A license to detonate explosives and supervise blasting activities issued by the Department under this chapter.

Department – The Department of Environmental Protection.

Person – A natural person; an individual.

§210.12. Scope.

The provisions of this chapter apply to persons engaging in the detonation of explosives within the Commonwealth. However, the requirements of this chapter do not apply to persons authorized to detonate explosives or to supervise blasting activities under the Pennsylvania Anthracite Coal Mine Act, Act of November 10, 1965, P.L. 721, *as amended*, 52 P.S. §§70.101-70.1405; and the Pennsylvania Bituminous Coal Mine Act, Act of July 17, 1961, P.L. 659, *as amended*, 52 P.S. §§701-101 – 701 – 701 – 706.

§210.13. General.

(a) No person may detonate explosives or supervise blasting activities unless the person has obtained a Blaster's License.

(b) The Department may exempt certain individuals from needing a Blaster's License if the person is detonating extremely small amounts of explosives for industrial or research purposes. The Department will consider a written request for such exemption from the person seeking an exemption.

(c) Only a person may obtain a Blaster's License.

(d) A blaster upon request shall exhibit a Blaster's License to an authorized representative of the Department, to the blaster's employer or to an authorized representative of the employer, or to a police officer acting in the line of duty.

(e) A Blaster's License is not transferable.

§210.14. Eligibility Requirements.

(a) To be eligible for a Blaster's License, a person shall:

(1) Be 21 years of age or older.

(2) Have at least one year of experience as a blaster learner in preparing blasts in the classification for which a license is being sought.

(3) Have taken the Department's class on explosives. It is not necessary for a blaster to retake the class when adding an additional classification to a license.

(4) Have successfully passed the Department's examination for a Blaster's License.

(b) The Department shall not issue or renew a license:

(1) Unless the applicant is of good moral character.

(2) If the applicant has demonstrated an inability or lack of intention to comply with the Department's regulations concerning blasting activities.

§210.15. License Application.

(a) The license application shall be on forms prepared by the Department and be accompanied by a check for \$50 payable to the Commonwealth of Pennsylvania. The complete application shall be submitted to the Department at least two weeks prior to the examination.

(b) The license application shall include a signed notarized statement from the blaster who supervised the applicant, or the applicant's employer. The statement shall:

(1) Describe the applicant's experience in blasting. In particular the statement shall describe in detail how the applicant assisted in the preparation of the blasts and for how long.

(2) State the author's opinion as to whether the applicant is competent to prepare and detonate blasts in the classification for which the license is being sought.

§210.16. Examinations.

(a) The Department will conduct examinations for specific types of blasting, as specified in §210.17(a) (relating to issuance and renewal of licenses).

(b) The Department will schedule and conduct examinations as needed.

(c) An applicant failing to appear for a scheduled examination forfeits the application fee unless the applicant provides written notice to the Department prior to the examination date or submits a valid medical excuse in writing.

(d) Refund of the fee or admittance to a subsequent examination without a reapplication fee will be at the discretion of the Department.

§210.17. Issuance and Renewal of Licenses.

(a) A Blaster's License is issued for a specific classification of blasting activities. The classifications will be determined by the Department and may include general blasting (which includes all classifications except demolition and underground noncoal mining),

trenching and construction, seismic and pole line work, well perforation, surface mining, underground noncoal mining, industrial, limited and demolition.

(b) A person may amend his or her Blaster's License for other classifications by meeting the requirements of §210.14 (relating to eligibility requirements) and by submitting a complete application.

(c) A Blaster's License will be issued for a term of 3 years.

(d) A Blaster's License is renewable provided the blaster can demonstrate that he or she has had 8 hours of continuing education in courses related to blasting and safety within the 3-year period that are approved by the Department.

(e) The Blaster's License may be renewed for a 3-year term by submitting a renewal application and a check for \$30, payable to the Commonwealth of Pennsylvania.

(f) A person who intends to be a blaster and whose Blaster's License was not renewed within one year of its expiration date shall apply for a new license under §§210.14-210.16.

§210.18. Recognition of Out-of-State Blaster's Licenses.

(a) The Department may license a person who holds a blaster's license or its equivalent in another state. The Department may issue the license if, in the opinion of the Department, that state's licensing program provides training on the use, storage and handling of explosives and an examination that is equivalent to the requirements of this chapter.

(b) A request for a license under this section shall be made in writing. Copies of the other state's explosive training and examination material and proof that the applicant holds a license in the other state shall be provided to the Department in order that the Department can make a proper evaluation.

§210.19. Suspension, Modification and Revocation.

The Department may issue orders suspending, modifying or revoking a Blaster's License. Before an order is issued, the Department will give the blaster an opportunity for an informal meeting to discuss the facts and issues that form the basis of the Department's determination to suspend, modify or revoke the license. The Department may suspend, modify or revoke a Blaster's License for violations of this chapter and Chapter 211 (relating to provisions for the use, storage, and handling of explosives in surface applications).