

## **Title 20. Public Health and Welfare**

### **Chapter XXX. Generally, Department of Labor and Licensing**

#### **Subchapter A. Generally**

#### **Part 882. Blasting**

**Codification Notes.** This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "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)."

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

#### **Subpart 1. Generally**

##### **20 CAR § 882-101. Purpose.**

(a) The purpose of this part is to ensure that all individuals engaged in blasting meet certain minimum qualifications and have been trained in the:

- (1) Handling and use of explosives;
- (2) Storage of explosives;
- (3) Transportation of explosives;
- (4) Record keeping;
- (5) Primary blasting; and
- (6) Secondary blasting.

(b) This part is intended to ensure that blasting in Arkansas is conducted by qualified individuals.

**Authority.** Arkansas Code § 20-27-1102.

##### **20 CAR § 882-102. Scope and application.**

(a) This part requires that all individuals, prior to performing or conducting any blasting operation, meet minimum age, education, experience, and training standards.

(b)(1) This part does not establish or address minimum standards for the performance of blasting operations.

(2) They address only the minimum qualifications of those individuals performing blasting.

(c) This part does not apply to blasting conducted:

(1) By an agricultural operation on property owned or controlled by the agricultural operation;

(2) At a surface coal mine regulated by the Arkansas Pollution Control and Ecology Commission pursuant to the Arkansas Surface Coal Mining and Reclamation Act of 1979, Arkansas Code § 15-58-101 et seq.; and

(3) During seismic operations regulated by the Oil and Gas Commission pursuant to Arkansas Code § 15-71-114.

**Authority.** Arkansas Code § 20-27-1102.

### **20 CAR § 882-103. Definitions.**

As used in this part:

(1) "Agricultural operations" means 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" means 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) "Director" means the Director of the Division of Labor;

(6) "Division" means the Division of Labor;

(7) "Explosives" means 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 (1) location to another.

**Authority.** Arkansas Code § 20-27-1102.

**20 CAR § 882-104. Minimum qualifications.**

(a) No person shall perform blasting in Arkansas unless he or she:

(1) Is twenty-one (21) years of age or older;

(2) Is a high school graduate or its equivalent;

(3) Is certified by the Division of Labor as having met the minimum training requirements of 20 CAR § 882-105 herein; and

(4) Has:

(A) Two (2) years' experience in blasting or drilling operations under the direct supervision of someone qualified and certified to perform blasting in Arkansas;

(B) An engineering degree; or

(C) Two (2) years' experience supervising blasting operations and the work of those performing blasting in a state other than Arkansas.

(b) **Exceptions.**

(1) The educational requirement of subdivision (a)(2) of this section and the experience requirement of subdivision (a)(4) of this section shall not apply to those

individuals who on the effective date of this part have been regularly performing blasting for a period of five (5) years or more.

(2) Such individuals must meet the other requirements of subsection (a) of this section, including certification as having met the minimum training requirements.

(3) Notwithstanding the provisions of subsection (a) of this section, a person may perform blasting if he or she is:

(A) Certified by the division as a trainee pursuant to 20 CAR § 882-107;

and

(B) Working under the direct supervision of someone qualified and certified to perform blasting in Arkansas.

**Authority.** Arkansas Code § 20-27-1102.

**20 CAR § 882-105. Training.**

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

**(b) Frequency of training.**

(1) Initial training shall be completed within one (1) year of the effective date of this part.

(2) 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 division, complete refresher training within one (1) year of the effective date of this part in lieu of initial training.

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

**(c) Approved training programs.**

(1) The division has approved the following training courses:

(A) The course offered by the division which consists of:

(i) Forty (40) hours of training for individuals that use five hundred one pounds (501 lbs.) or more of explosives at any one given time; and

(ii) Twenty (20) hours of training for individuals that use five hundred pounds (500 lbs.) or less of explosives at any one given time; and

(B) Any course for blasters approved and certified by the Office of Surface Mining Reclamation and Enforcement, United States Department of the Interior.

(2)(A) Application may be made to the division for approval of a training course or program other than as provided in subdivision (c)(1) of this section.

(B) Such a course or program shall be substantially similar to the course offered by the division.

(C) Application for approval of such a course shall be made by letter and shall include a course outline or syllabus, together with the name or names and credentials of any instructor or instructors.

(D) The division shall investigate the application prior to approval.

**(d) Substance of training.**

(1) The initial training offered by the division shall include the following:

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

(i) 27 C.F.R. §§ 555.1 — 555.11 and 27 C.F.R. §§ 555.201 — 555.224 (1991);

(ii) 30 C.F.R. §§ 56.6100 — 56.6133, 30 C.F.R. §§ 57.6100 — 57.6133, 30 C.F.R. §§ 75.1312 — 75.1313, and 30 C.F.R. § 77.1301 (1991); and

(iii) Division of Labor, Safety Code No. 8 [repealed]; and

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

(i) 30 C.F.R. §§ 56.6200 — 56.6205 and 30 C.F.R. §§ 57.6200 — 57.6205;

(ii) 30 C.F.R. § 75.1311 and 30 C.F.R. § 77.1302 (1991);

(iii) 49 C.F.R. § 172.1 et seq., 49 C.F.R. §§ 173.1 — 173.63, and 49 C.F.R. § 177.800 et seq. (1991); and

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

(i) 29 C.F.R. § 1910.109 and 29 C.F.R. §§ 1926.900 — 1926.914 (1991);

(ii) 30 C.F.R. §§ 56.6300 — 56.6904 and 30 C.F.R. §§ 57.6300 — 57.6960;

(iii) 30 C.F.R. §§ 75.1300 — 75.1328, 30 C.F.R. §§ 77.1300 — 77.1304, and 30 C.F.R. § 715.19 (1991); and

(iv) Division of Labor, Safety Code No. 8 [repealed].

(2) The initial training offered by the division shall consist of the following:

(A)(i) Forty (40) hours of training for individuals who use five hundred one pounds (501 lbs.) or more of explosives at any one given time.

(ii) This will include most individuals performing blasting as a part of mining operations.

(iii) This forty (40) hours of training will include classroom training and field observation; or

(B)(i) Twenty (20) hours of training for individuals who use five hundred pounds (500 lbs.) or less of explosives at any one given time.

(ii) This will include most individuals performing blasting as a part of construction.

(iii) This twenty (20) hours of training will include classroom training only.

(3)(A) At the conclusion of each initial training course, the division will administer an examination solely for the purpose of providing the participant with a tool to help measure his or her level of expertise.

(B) Should a participant fail to achieve a score of at least sixty percent (60%), the division may recommend additional training.

(4)(A) Refresher training shall be offered by the division at least twice annually.

(B) Refresher training offered by the division shall consist of:

(i) A sixteen-hour course for those individuals covered by subdivision (d)(2)(A) of this section with respect to their initial training; and

(ii) An eight-hour course for those individuals covered by subdivision (d)(2)(B) of this section with respect to their initial training.

**Authority.** Arkansas Code § 20-27-1102.

**20 CAR § 882-106. Certification.**

(a) The Division of Labor shall certify that individuals meet the minimum qualifications established by 20 CAR § 882-104, including:

(1) The training requirement of 20 CAR § 882-105 upon submission of an application on a form approved by the division;

(2) Proof that the minimum qualifications have been met or the applicant qualifies for an exemption; and

(3) The required fees.

(b)(1) Each certificate of qualification shall expire on its face three (3) years from the date of issue.

(2) A new certificate of qualification shall be issued upon verification from the certificate holder that refresher training in conformity with 20 CAR § 882-105 has been completed.

**Authority.** Arkansas Code § 20-27-1102.

**20 CAR § 882-107. Trainees.**

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

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

(c)(1) No individual may be certified as a trainee for a period longer than two (2) years.

(2) Upon the expiration of a trainee's certification, he or she must meet the minimum qualifications of 20 CAR § 882-104(a).

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

**Authority.** Arkansas Code § 20-27-1102.

**20 CAR § 882-108. Fees.**

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

(b)(1) There shall be a fee of twenty-five dollars (\$25.00) for training material in the initial training offered by the Division of Labor pursuant to 20 CAR § 882-105.

(2) There shall be no fee for the refresher training offered by the division pursuant to 20 CAR § 882-105.

**Authority.** Arkansas Code § 20-27-1102.

**20 CAR § 882-109. Enforcement.**

Any person who knowingly violates any provision of Arkansas Code §§ 20-27-1101 — 20-27-1103 or any provision of this part shall be guilty of a Class B misdemeanor as provided by Arkansas Code § 20-27-1101.

**Authority.** Arkansas Code §§ 20-27-1101, 20-27-1102.