

CHAPTER 210. BLASTERS' LICENSES

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Authority

The provisions of this Chapter 210 issued under sections 3 and 7 of the act of July 1, 1937 (P. L. 2681, No. 537) (73 P. S. §§ 157 and 161); section 3 of the act of July 10, 1957 (P. L. 685, No. 362) (73 P. S. § 166); Reorganization Plan No. 8 of 1981 (71 P. S. § 751-35); section 2(f) of the act of May 18, 1937 (43 P. S. § 25-2(f)); Reorganization Plan No. 2 of 1975 (71 P. S. § 751-22); section 4(b) of the Surface Mining Conservation and Reclamation Act (52 P. S. § 1396.4(b)); section 11(e) of the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. § 3311(e)); and sections 1917-A and 1920-A(b) of The Administrative Code of 1929 (71 P. S. §§ 510-17 and 510-20(b)), unless otherwise noted.

Source

The provisions of this Chapter 210 adopted January 26, 1973, effective January 27, 1973, 3 Pa. 183, unless otherwise noted.

Cross References

This chapter cited in 25 Pa. Code § 77.561 (relating to general requirements); 25 Pa. Code § 87.64 (relating to blasting plan); 25 Pa. Code § 87.124 (relating to use of explosives: general requirements); 25 Pa. Code § 88.134 (relating to blasting: general requirements); 25 Pa. Code § 207.17 (relating to blasting activity); and 25 Pa. Code § 211.101 (relating to definitions).

§§ 210.1—210.3. [Reserved].**Source**

The provisions of these §§ 210.1—210.3 adopted January 26, 1973, effective January 27, 1973, 3 Pa.B. 183; amended November 7, 1980, effective November 8, 1980, 10 Pa.B. 4294; reserved July 13, 2001, effective July 14, 2001, 31 Pa.B. 3751. Immediately preceding text appears at serial pages (243459) to (243462).

§§ 210.4—210.6. [Reserved].**Source**

The provisions of these §§ 210.4—210.6 adopted January 26, 1973, effective January 27, 1973, 3 Pa.B. 183; reserved July 13, 2001, effective July 14, 2001, 31 Pa.B. 3751. Immediately preceding text appears at serial pages (243462) to (243463).

§ 210.11. Definitions.

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

ATF—The United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives.

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.

Demolition and demolition blasting—The act of wrecking or demolishing a structure with explosives.

Explosives—Any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion. The term includes dynamite and other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord and igniters. The term includes all items in the “List of Explosive Materials” provided for in 27 CFR 555.23 (relating to list of explosive materials).

Limited—A classification of blaster's license applicable to persons who supervise the loading or detonate explosives in operations in which the use of explosives is not related to excavation or demolition.

Mine opening blasting—Blasting conducted for the purpose of constructing a shaft, slope, drift or tunnel mine opening for an underground mine, either operating or under development from the surface down to the point where the mine opening connects with the mineral strata to be or being extracted.

Person—A natural person.

Authority

The provisions of this § 210.11 amended under section 4.2 of the Surface Mining Conservation and Reclamation Act (52 P.S. § 1396.4b); section 11 of the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. § 3311); sections 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-17 and 510-20); sections 7 and 11 of the act of July 1, 1937 (P.L. 2681, No. 537) (73 P.S. §§ 157 and 161); sections 3 and 4 of the act of July 10, 1957 (P.L. 685, No. 362) (73 P.S. §§ 166 and 167); Reorganization Plan No. 8 of 1981 (71 P.S. § 751-35); section 2(f) of the act of May 18, 1937 (P.L. 654, No. 174) (43 P.S. § 25-2(f)); and Reorganization Plan No. 2 of 1975 (71 P.S. § 751-22).

Source

The provisions of this § 210.11 adopted July 13, 2001, effective July 14, 2001, 31 Pa.B. 3751; amended August 8, 2008, effective August 9, 2008, 38 Pa.B. 4355; amended June 22, 2018, effective June 23, 2018, 48 Pa.B. 3711. Immediately preceding text appears at serial page (335908).

§ 210.12. Scope.

This chapter applies to persons engaging in the detonation of explosives within this Commonwealth. Except for persons engaging in mine opening blasting, this chapter does not apply to persons authorized to detonate explosives or to supervise blasting activities under:

- (1) The Pennsylvania Anthracite Coal Mine Act (52 P. S. §§ 70.101—70.1405).
- (2) The Pennsylvania Bituminous Coal Mine Act (52 P. S. §§ 701-101—701-706).

Authority

The provisions of this § 210.12 amended under section 4.2 of the Surface Mining Conservation and Reclamation Act (52 P. S. § 1396.4b); section 11 of the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. § 3311); and sections 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-17 and 510-20).

Source

The provisions of this § 210.12 adopted July 13, 2001, effective July 14, 2001, 31 Pa.B. 3751; amended August 8, 2008, effective August 9, 2008, 38 Pa.B. 4355. Immediately preceding text appears at serial page (303212).

§ 210.13. General.

- (a) A person may not detonate explosives or supervise blasting activities unless the person has obtained a blaster's license.
- (b) A blaster's license will only be issued or renewed after it is verified that the applicant is in compliance with 18 U.S.C.A. Chapter 40 and 27 CFR Part 555 (relating to commerce in explosives).
- (c) 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 an exemption from the person seeking the exemption.
- (d) Upon request, a blaster shall exhibit a blaster's license to the following:
 - (1) An authorized representative of the Department.
 - (2) The blaster's employer or an authorized representative of the employer.
 - (3) A police officer acting in the line of duty.
- (e) A blaster's license is not transferable.

Authority

The provisions of this § 210.13 amended under sections 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-17 and 510-20); section 4.2 of the Surface Mining Conservation and Reclamation Act (52 P.S. § 1396.4b); section 11(e) of the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. § 3311(e)); sections 7 and 11 of the act of July 1, 1937 (P.L. 2681, No. 537) (73 P.S. §§ 157 and 161); sections 3 and 4 of the act of July 10, 1957 (P.L. 685, No. 362) (73 P.S. §§ 166 and 167); Reorganization Plan No. 8 of 1981 (71 P.S. § 751-35); section 2(f) of the act of May 18, 1937 (P.L. 654, No. 174) (43 P.S. § 25-2(f)); and Reorganization Plan No. 2 of 1975 (71 P.S. § 751-22).

Source

The provisions of this § 210.13 adopted July 13, 2001, effective July 14, 2001, 31 Pa.B. 3751; amended June 22, 2018, effective June 23, 2018, 48 Pa.B. 3711. Immediately preceding text appears at serial page (335909).

§ 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 1 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 will not issue or renew a license if the applicant, as indicated by past or continuing violations, has demonstrated a lack of ability or intention to comply with the Department's regulations concerning blasting activities.

Source

The provisions of this § 210.14 adopted July 13, 2001, effective July 14, 2001, 31 Pa.B. 3751.

Cross References

This section cited in 25 Pa. Code § 210.17 (relating to issuance and renewal of licenses).

§ 210.15. License application.

- (a) The license application shall be on forms provided 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 2 weeks prior to the examination.
- (b) The license application shall include a signed notarized statement from a person who has direct knowledge of the applicant's expertise, such as 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 whether the applicant is competent to prepare and detonate blasts in the classification for which the license is being sought.

Source

The provisions of this § 210.15 adopted July 13, 2001, effective July 14, 2001, 31 Pa.B. 3751.

Cross References

This section cited in 25 Pa. Code § 210.17 (relating to issuance and renewal of licenses).

§ 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 2 weeks 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.

Authority

The provisions of this § 210.16 amended under sections 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-17 and 510-20); section 4.2 of the Surface Mining Conservation and Reclamation Act (52 P.S. § 1396.4b); section 11(e) of the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. § 3311(e)); sections 7 and 11 of the act of July 1, 1937 (P.L. 2681, No. 537 (73 P.S. §§ 157 and 161); sections 3 and 4 of the act of July 10, 1957 (P.L. 685, No. 362) (73 P.S. §§ 166 and 167); Reorganization Plan No. 8 of 1981 (71 P.S. § 751-35); section 2(f) of the act of May 18, 1937 (P.L. 654, No. 174) (43 P.S. § 25-2(f)); and Reorganization Plan No. 2 of 1975 (71 P.S. § 751-22).

Source

The provisions of this § 210.16 adopted July 13, 2001, effective July 14, 2001, 31 Pa.B. 3751; amended June 22, 2018, effective June 23, 2018, 48 Pa.B. 3711. Immediately preceding text appears at serial page (335910).

Cross References

This section cited in 25 Pa. Code § 210.17 (relating to issuance and renewal of licenses).

§ 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, mine opening blasting and underground noncoal mining), trenching and construction, law

enforcement, surface mining, underground noncoal mining, mine opening blasting, industrial, limited and demolition.

(b) A person may apply to amend the 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 3 years.

(d) A blaster's license is renewable if the blaster can demonstrate that he has had a minimum of 8 hours of continuing education in Department-approved courses related to blasting and safety within the 3-year period.

(e) The blaster's license may be renewed for a 3-year term by submitting a renewal application to the Department 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 1 year of its expiration date shall apply for a new license under §§ 210.14—210.16 (relating to eligibility requirements; license application; and examinations).

(g) A person who conducted demolition blasting under a general blaster's license may conduct demolition blasting after July 14, 2001, by applying for and receiving a demolition blaster's license. The Department may waive the examination required under § 210.14 and the application fee if the blaster demonstrates at least 3 years of experience in demolition blasting. The demonstration must be in the form of a notarized statement from the blaster's employer that describes the blaster's experience.

Authority

The provisions of this § 210.17 amended under section 4.2 of the Surface Mining Conservation and Reclamation Act (52 P. S. § 1396.4b); section 11(e) of the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. § 3311(e)); sections 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-17 and 510-20); sections 7 and 11 of the act of July 1, 1937 (P.L. 2681, No. 537) (73 P. S. §§ 157 and 161); sections 3 and 4 of the act of July 10, 1957 (P.L. 685, No. 362) (73 P. S. §§ 166 and 167); Reorganization Plan No. 8 of 1981 (71 P. S. § 751-35); section 2(f) of the act of May 18, 1937 (P.L. 654, No. 174) (43 P. S. § 25-2(f)); and Reorganization Plan No. 2 of 1975 (71 P. S. § 751-22).

Source

The provisions of this § 210.17 adopted July 13, 2001, effective July 14, 2001, 31 Pa.B. 3751; amended August 8, 2008, effective August 9, 2008, 38 Pa.B. 4355; amended June 22, 2018, effective June 23, 2018, 48 Pa.B. 3711. Immediately preceding text appears at serial pages (335910) to (335911).

Cross References

This section cited in 25 Pa. Code § 210.14 (relating to eligibility requirements).

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§ 210.18. Recognition of out-of-State blaster's license.

(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 storage, handling and use 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 explosives training and examination material and proof that the applicant holds a license in the other state shall be provided to the Department in order to make a proper evaluation.

Source

The provisions of this § 210.18 adopted July 13, 2001, effective July 14, 2001, 31 Pa.B. 3751.

§ 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 Chapters 77, 87, 88 and 211.

Authority

The provisions of this § 210.19 amended under sections 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-17 and 510-20); section 4.2 of the Surface Mining Conservation and Reclamation Act (52 P.S. § 1396.4b); section 11(e) of the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. § 3311(e)); sections 7 and 11 of the act of July 1, 1937 (P.L. 2681, No. 537) (73 P.S. §§ 157 and 161); sections 3 and 4 of the act of July 10, 1957 (P.L. 685, No. 362) (73 P.S. §§ 166 and 167); Reorganization Plan No. 8 of 1981 (71 P.S. § 751-35); section 2(f) of the act of May 18, 1937 (P.L. 654, No. 174) (43 P.S. § 25-2(f)); and Reorganization Plan No. 2 of 1975 (71 P.S. § 751-22).

Source

The provisions of this § 210.19 adopted July 13, 2001, effective July 14, 2001, 31 Pa.B. 3751; amended June 22, 2018, effective June 23, 2018, 48 Pa.B. 3711. Immediately preceding text appears at serial page (335912).

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