

Explosives Safety Stakeholder Group Meeting:
Enduris Training Facility, Spokane, WA; January 8, 2019, 8:30am-3:00pm

Meeting Minutes

Organization represented (in no particular order):

Sportsman's Warehouse
Stevens Pass
Wolverine West Fireworks
Northwest Energetics
Dyno Nobel
Spokane Sheriff, Explosive Disposal Unit
OHS&T Superintendent/Teck Washington
Teck Washington, Inc.
King County Sheriffs, SWAT
Grant County PUD
Takata
Boeing
Washington State Department of Transportation
Wallace Technical Blasting

Via Skype:

Port of Seattle Police, SWAT
Valiant Integrated Services

Summary:

DOSH Safety and Health Specialist, called the meeting to order at 8:30am.

DOSH provided an overview of the rulemaking efforts to date; and, possible timeline for the remainder of the year. Attendees were provided a copy of the presentation. DOSH informed attendees the next meeting will be in April, Parts C and D will be reviewed. DOSH also informed the group there may be a two-day meeting in July. At this meeting, the group would receive a "clean copy" of all changes approved by the group to date. DOSH explained next steps in the rulemaking process: Cost Benefit Analysis, Public Hearings etc.; and, noted, the Rule could be adopted as soon as spring, 2020.

DOSH detailed the ongoing legislative updates: Change RCW 70.74.360/.370 to include most offenses listed in WAC 296-52 currently and update background check procedures; require one set of fingerprints at the beginning with yearly checks based on Social Security Number; updates to offenses, require self-reporting; and, add an appeal system.

A member of the ESSG Group addressed attendees and provided an update on current legislative efforts. There are two bills being proposed. The first is the public disclosure bill proposed last year. The bill is being re-introduced. The second includes changes to the background check procedures and appeals process.

There are two legislatures who are in support of the two bills: Representative Mike Steele representing the 12th District; and, Senator Brad Hawkins also representing the 12th District.

The ESSG member read to the group comments received. The information was printed during the lunch break and all attendees received a copy following the lunch break.

An attendee asked what happened to the bill last year. The group was informed it was simply a matter of time, or, lack of. Both bills are non-partisan; and, there should be no issues.

Attendees were informed the Annual Conference for International Society of Explosives Engineers will be held in Nashville, Tennessee, January 27-30, 2019.

During the meeting, DOSH reviewed sections of Parts E and F of the WAC for which proposed changes/comments had been submitted. Each of the proposed changes/comments was discussed among attendees. Only sections in which stakeholders voiced concerns, comments and questions are documented below.

The group then reviewed and discussed proposed changes to Chapter 296-52 WAC, Safety Standards for Explosives. Only sections in which there were comments, discussion or changes are reflected below.

Part E, WAC 296-52-5000 General

WAC 296-52-5000 (1) (c)

Stakeholder(s) comments/questions: Currently reads as: “Being used at the blast site.” Suggestion to remove the word “blast” as the fireworks industry does not use this term. Suggestion to use the following language: “Being used at the job site.”

WAC 296-52-5000 (1)(e)

Stakeholder(s) comments/questions: Suggestion to correct reference to exemptions; change “Exempt as provided in WAC 296-52-50020” to “Exempt as provided in WAC 296-52-50010.”

WAC 296-52-50010 Exempt explosives

Stakeholder(s) comments/questions: Add the word “pounds” to the Column titled “Exempted Amount” where missing.

Stakeholder(s) comments/questions: Attendee asked if “Explosive-actuated power devices” should read as “Explosive-actuated powder devices.”

DOSH Response: “Explosive-actuated power devices” is correct. DOSH to provide wording to add definition to glossary.

Stakeholder(s) comments/questions: Stakeholder noted use of French term in Column titled “Type of Explosive” and suggested changing “Safety fuses (except cordeau detonant)” to “Safety fuses except safety detonating fuses.”

WAC 296-52-50010 (Old-69020) Storage facilities and Quantity and distance tables

With renumbering of Part E and previously proposed changes, the remaining text becomes part of WAC 296-52-50010.

Stakeholder(s) comments/questions: Added the following to Note 1: “become a 1.1 explosive.”

Stakeholder(s) comments/questions: Regarding Components storage, will this include concussion powders which are typically shipped and stored together?

Stakeholder(s) comments/questions: If unmixed, does it need to be locked in separate magazine.

DOSH Response: No, liquid does not go in magazine. It is flammable.

Stakeholder(s) comments/questions: How to store?

DOSH Response: In locked container, doesn't have to be licensed.

Stakeholder(s) comments/questions: In relation to “weight,” is this net or packaged?

DOSH Response: Not net, a pound is a pound, just weight.

Stakeholder(s) comments/questions: What about separated in bag; but one plastic sleeve?

DOSH Response: If base components separate, normal shipping. Do not need to be in licensed storage. For example, “Kinepak:” the real issue is mix and move from site. The base components are not explosives when two separate parts if remain separate. The ATF and the agency's position is, if two parts and mix, and no transportation occurred, no manufacturing license required.

WAC 296-52-50015 Storage within magazines

WAC 296-52-50015(1)(c)

Stakeholder(s) comments/questions: Robust conversation, questions asked about whether this included initiation systems, special wire, or initiation system with electronics. An attendee noted “back in the day” igniters were allowed to be stored with explosives. An attendee stated detonators and initiation should be separate. No changes made to WAC 296-52-50015(1)(c).

WAC 296-52-50015(1)(d)

Group discussed the following changes: (d)Unloaded firearms kept in non-sparking packaging, may be stored with magazines solely used for smokeless powder sales.

Additional changes submitted following the meeting. WAC 296-52-50015(1)(d): “Materials stored in non-sparking containers including unloaded firearms stored for commercial sale.”

WAC 296-52-50015(6)

Language changed from “Ventilation. Explosive material cannot be:” to “Ventilation. Explosives material shall not be:” and changes incorporated into (6)(a) and (6)(b).

WAC 296-52-50015(8)(d)

Stakeholder(s) comments/questions: Group discussed possible wording including “non-static,” “non-absorbent,” “non-porous,” and “non-sparking.” The group proposed striking “a fiber, rubber, or wood” leaving the following language: “A non-static, non-absorbent, and non-sparking wedge and mallet must be used for opening or closing wooden crates of explosives.”

WAC 296-52-50025 Notification of fire safety authority.

Stakeholder(s) comments/questions: An attendee asked if the language should be added about the “appropriate distance to fight a fire.” The group discussed and agreed no language should be added as this would fall under International Fire Code (IFC).

WAC 296-52-50030 Magazine repairs

The group discussed the proposed lighting language. DOSH to consult with electrical inspector and report back to ESSG members.

WAC 296-52-50040 Inventory**WAC 296-52-50040(2)(b)**

Stakeholder(s) comments/questions: An attendee noted 75 pounds of smokeless powder is allowed on sales floor of a retailer. The group approved adding a reference for commercial powder sales elsewhere.

WAC 296-52-50040(3)

Stakeholder(s) comments/questions: An attendee suggested smokeless be exempt. An attendee stated as a retailer not required to keep inventory and sales records. The group discussed requirement of 24 hours; and, agreed to change to 48 hours. An attendee also stated employer selling under 50 pounds, thus, not a dealer. Employer subject to magazine requirements, not that of dealer. As such, not required to track, needs way to separate retailer from group.

Additional changes submitted following the meeting, WAC 296-52-50040(3): “Inventory and use records must be updated no later than the close of the next business day for all explosives.”

WAC 296-52-50050 Inspection.**WAC 296-52-50050(2)(a)**

Stakeholder(s) comments/questions: The group agreed to change “sign” to “complete” given use of electronic logs or databases to maintain records.

WAC 296-52-50050(2)(b)

Robust conversation on the requirements for inspection documentation and duration to retain records.

Stakeholder(s) comments/questions: An attendee stated ATF requires only one inspection, to be done annually. One attendee noted he uses a calendar, simple as that. One attendee noted the ATF will ask for documentation. The group discussed “weekly inspection” and requirement to keep for one year in detail. DOSH Response: DOSH noted inventory records “count” for inspection; however, “inspection records” do not “count” for inventory. DOSH also prompted the group to explore what “weekly inspection records must be kept for at least one year” actually means. For example, does it mean one calendar year from date inspection performed; or, should it be interpreted as one calendar year following the end of the calendar year to which it pertains?

Stakeholder(s) comments/questions: An attendee noted his employer performs weekly inspection and inventory.

DOSH Response: DOSH stated this is an example of great best practices; however, should not become the minimum standard for the industry.

Stakeholder(s) comments/questions: The group discussed use of methods other than “paper records” and, length records are to be retained. Attendees noted the use of electronic surveillance, locks, passwords, video security system; the latter would require employer to “purchase” additional electronic storage if to be maintained for a year. Currently, video records stored 30-60 days only.

Additional wording to be submitted for WAC 296-52-50050(2)(b) for the group to review and approve electronically before next meeting.

WAC 296-52-50060 Precautions for areas surrounding magazine.

WAC 296-52-50060(1)

Stakeholder(s) comments/questions: An attendee stated employer cannot comply with this. The group addressed by adding wording to WAC 296-52-50015.

WAC 296-52-50075 Explosives recovered from misfires.

DOSH Response: DOSH informed group the agency does not license underground magazines. A letter of interpretation will be sent out informing interested parties of this.

WAC 296-52-50080 Blast site storage

WAC 296-52-50080(1)(a)

Stakeholder(s) comments/questions: An attendee stated this may be difficult for fireworks industry.

DOSH Response: Fireworks primarily exempted in 1.4. This section refers to 1.1-1.3 materials (596-52-60020).

WAC 296-52-50080(3)

Stakeholder(s) comments/questions: Changes made to state temporary storage of fireworks at display sites shall be per Chapter 212-17 WAC.

WAC 296-52-51010 Ammonium nitrate.

Stakeholder(s) comments/questions: No controverted issues.

WAC 296-52-5200 Barricades.

Stakeholder(s) comments/questions: An attendee noted the ATF requires 36 inches. Questions were raised whether the requirement is for earth only; or, part earth and part cement?

Stakeholder(s) comments/questions: An attendee noted it refers to only one side—the area you are trying to protect. It does not mean all sides.

Stakeholder(s) comments/questions: Law enforcement and government do not fall under ATF; this affects only those under ATF.

DOSH Response: DOSH noted obtaining comment from ATF not possible at this time due to shutdown of federal government. Issue will be revisited during July ESSG meeting.

WAC 296-52-5300 Quantity and distance tables

Stakeholder(s) comments/questions: No controverted issues.

WAC 296-52-53010 Table E-1 Distances for storage of explosives

Stakeholder(s) comments/questions: No controverted issues.

WAC 296-52-53020 Table E-2 Separation between magazines

Stakeholder(s) comments/questions: No controverted issues.

WAC 296-52-5400 Storage of Fireworks

Stakeholder(s) comments/questions: No controverted issues.

WAC 296-52-54010 Table E-6 Distances separating fireworks processes and buildings

Stakeholder(s) comments/questions: No controverted issues.

WAC 296-52-54020 Table E-8 Distances for the storage of display fireworks (except bulk salutes).

Stakeholder(s) comments/questions: No controverted issues.

Chapter 296-52 WAC, Safety Standards for Explosives

Part F, Sections with comments

WAC 296-52-6000 General

WAC 296-52-6000(4) Locks

Stakeholder(s) comments/questions: An attendee asked if “puck locks” recognized. An attendee stated “yes,” as long as you have the gates that come with the kits.

DOSH Response: Asked group if useful to add use of “puck locks” to code?

Stakeholder(s) comments/questions: An attendee stated new style locking system, approved by ATF. The agency has a copy of ruling with “ATF blessing.”

The group discussed and approved adding the following wording within the Note: *“Puck style locks with their engineered guard supplied by the manufacturer meeting this criteria are acceptable for hood requirements.”*

WAC 296-52-60015 Indoor magazines

Stakeholder(s) comments/questions: An attendee stated their magazines are not portable. Rather, they are permanent fixtures within our building. Can clarification be added to the Code for this type of indoor magazine?

The group discussed and approved adding language regarding portable magazines, including the requirement to have wheels or casters to facilitate removal in case of emergency. Additionally, the requirement to be fastened securely if less than 500 pounds was added to prevent theft of entire magazine.

Additional changes received following the meeting: move clarification for both types of indoor up to WAC 296-52-60015.

WAC 296-52-60015(5) Cannot be within a residence or dwelling.

WAC 296-52-60015(6) May have each door locked with one steel padlock (which need not be protected by a steel hood) if they are located in secure rooms that are locked as provided for a magazine.*

**Note: A facility with a constantly monitored security system meets the definition of a secure room.*

WAC 296-52-60020 Bullet resistant construction requirements

Stakeholder(s) comments/questions: No controverted issues.

WAC 296-52-60030 Magazine heating system requirements

Stakeholder(s) comments/questions: No controverted issues.

Additional changes received following the meeting:

WAC 296-52-6003(2)(e)(i)

Changed from: “must meet” to “must comply with” to be consistent with WAC 296-52-60040(2)(a) which reads “comply with.”

WAC 296-52-6100 Classification and Use of Magazines

Stakeholder(s) comments/questions: An attendee noted igniters or other initiation sources should never be stored with any ignitable materials.

Stakeholder(s) comments/questions: An attendee noted issues with this in firework industry.

DOSH Response: Group to address igniters for fireworks at July ESSG meeting.

WAC 296-52-6300 Type 2 magazines

WAC 296-52-6300(6)

Stakeholder(s) comments/questions: An attendee asked what type of rating for firewall or just a wall? An attendee stated probably fire resistant wall. It is located in code for building standards.

WAC 296-52-6400 Type 3 magazines

Stakeholder(s) comments/questions: An attendee noted law enforcement vehicles have built in magazine. LE allowed to drive vehicle to/from work; and, would be parked in garage of personal residence.

Stakeholder(s) comments/questions: An attendee asked if Type 3 magazines used outside should have hooded lock?

DOSH Response: To be discussed at July ESSG meeting.

WAC 296-52-6500 Type 4 magazines

DOSH Response: None are residences.

Additional changes submitted following the meeting:

WAC 296-52-6500(5)

The “Note” was deleted information provided elsewhere in Chapter.

WAC 296-52-6500(5)(e)(i)

Deleted “Does not have to be weatherproof” as this is duplicate information to WAC 296-52-60015-Indoor magazines.”

WAC 296-52-6500(5)(e)(ii)

Moved to WAC 296-52-60015-Indoor magazines, became WAC 296-52-60015 (6).

WAC 296-52-6500(5)(e)(iii)

Moved to WAC 296-52-60015-Indoor magazines, became WAC 296-52-60015 (5).

WAC 296-52-6500(5)(e)(iv)(b)(iii)

Note deleted.

WAC 296-52-6600 Type 5 magazines.

WAC 296-52-6600(2)(b)

DOSH Response: Discuss at July meeting.

WAC 296-52-66005 Magazine for the storage of Small Arms Smokeless Powder

DOSH Response: DOSH posed the question to the group for vote: should a new definition for “smokeless powder magazine” be created? Majority approved. **Wording needed.**

WAC 296-52-66010 Bulk storage bins

Stakeholder(s) comments/questions: Two attendees noted the fireworks industry uses “large bulk bins.” An attendee suggested adding the definition of “bulk storage bin.”

DOSH Response: No changes. The requirements set forth in WAC 296-52-66010 Bulk storage bins impacts more than just the fireworks industry. Language fits manufacturing requirements and need.

Summary/due outs from meeting:

Concluding the review of changes submitted prior to the meeting; and, those discussed during the meeting; the group approved the changes to **Part E** with majority vote noting the following exceptions:

WAC 296-52-50010 Exempt explosives: DOSH to provide definition for “Explosive-actuated power devices” for glossary.

WAC 296-52-50015-Wording to be submitted by ESSG member. Received, language incorporated.

WAC 296-52-50030 Magazine repairs: DOSH to consult with electrical inspector and report back to ESSG members. DOSH consulted Labor and Industries Electrical Consultant. Confirmed wording added to Part E in lighting section correct. (1-16-2019).

WAC 296-52-50050(2)(b). ESSG sub-group to propose changes to weekly inspections and documentation to harmonize with current industry practices (use of electronic applications, video etc.). **Pending.**

Concluding the review of changes submitted prior to the meeting; and, those discussed during the meeting; the group approved the changes to **Part F** with majority vote noting the following exceptions:

WAC 296-52-6600(2)(b)-DOSH to submit additional wording.

WAC 296-52-66005- Wording to be submitted. **Pending.**

WAC 296-52-60015 Indoor magazines. Wording to be submitted by ESSG member. Received, language incorporated.

Pending from Meeting of 6-28-2018:

- Research use and development of posters/flyers to provide when materials purchased
- Define “engineer” at future meeting

Next meeting:

Date: Wednesday, April 10, 2019

Time: 8:30am-3:00pm; 8:00 sign in

Location: Labor and Industries, Vancouver Location

312 SE Stonemill Drive, Suite 120

Vancouver, WA, 98684-3508

Attachments/Documents available for attendees at the start of the meeting:

- Agenda
- Draft language for Chapter 296-52 WAC, Safety Standards for Explosives, Parts E
- Part E, Sections with Comments
- Draft language for Chapter 296-52 WAC, Safety Standards for Explosives, Part F
- Part F, Sections with Comments
- Draft language for Chapter 296-52 WAC, Safety Standards for Explosives, Part G

Presented during the meeting:

- PowerPoint Presentation: Explosives Safety Stakeholder Group Meeting

Addendum to the Meeting Minutes

January 28, 2019

Chapter 296-52 WAC, Safety Standards for Explosives Part F, Sections with comments

WAC 296-52-6600 Type 5 magazines.

WAC 296-52-66005 Magazine for the storage of Small Arms Smokeless Powder

DOSH Response: DOSH posed question to the group for vote: should a new definition for “smokeless powder magazine” be created? Majority approved. **Wording needed.**

Based upon changes submitted January 25, 2019, this section no longer needed. Draft updated to remove section title.

Summary/due outs from meeting:

WAC 296-52-66005- Wording to be submitted. **Pending.**

Based upon changes submitted January 25, 2019, no additional language needed (no longer pending).