

Chapter 296-52 WAC Safety standards for possession, handling, and use of explosives

Stakeholder Meeting

Department of Labor and Industries, Vancouver, April 10, 2019, 8:30am-3:00pm

Meeting Summary

Division of Occupational Safety and Health (DOSH) Staff present:

Safety and Health Specialist
Safety Technical Program Manager
Administrative Regulations Analyst

Organization represented (in no particular order):

Sportsman's Warehouse-Compliance
Stevens Pass, Lead Avalancher
Wolverine West Fireworks
Northwest Energetics, General Manager
King County Sheriffs, SWAT Supervisor
Wallace Technical Blasting
Washington State Department of Transportation

Via Skype:

Takata, Continuous Improvement Lead

Summary:

Attendees provided electronic copies of the meeting materials with instruction to review and provide comments prior to the meeting. Stakeholder comments and suggested changes were re-distributed to stakeholders by April 1, 2019, to allow adequate time to review before the meeting.

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

DOSH staff informed attendees the next meeting will be two days; and, will be held July 23-24, 2019 in Wenatchee. All parts of Chapter 296-52 WAC will be reviewed at the July meeting. DOSH staff explained next steps in the rulemaking process should the group complete the review of the entire WAC at the July meeting: Cost Benefit Analysis, Public Hearings etc.; and, noted, the Rule could be adopted as soon as spring, 2020.

DOSH staff detailed the ongoing legislative updates for HB 1673, which proposes to remove explosives documents from public release; and, HB 2133 which proposes the requirement of one set of fingerprints at the beginning with yearly checks based on Social Security Number; updates to the list offenses to be more inclusive and require self-reporting; and, add an appeal system.

DOSH staff presented an overview of the "flyrock incident" that occurred in Washougal, Washington, January 16, 2019. Attendees were provided with an excerpt of the Explosives Activity

Inspection Report (attached). Attendees informed three changes have been made to the code as a result of this incident.

DOSH staff reviewed with attendees Chapter 296-52 WAC Parts C, D, and G for which proposed changes/comments had been submitted. Each of the proposed changes/comments in the drafts were discussed among attendees.

**Chapter 296-52 WAC Safety Standards for Possession, Handling, and Use of Explosives
Part C, Use of Explosive Materials**

The group discussed temporary and blast site storage.

WAC 296-52-3015(1)(c) The group discussed the need to include specifics for font size to be used on the sign to be placed on the day box storage.

Stakeholder(s) comments/questions: An attendee stated it is an “invitation to problems” to place a sign on a box informing the public there is explosives inside.

DOSH Response: DOSH staff stated the suggested wording is not open for discussion.

Stakeholder(s) comments/questions: An attendee suggested use of magnetic signs.

DOSH Response: DOSH staff stated standard font established in WAC 296-52-69060. The group discussed adding font criteria to the WAC. DOSH staff to modify for consistency with Department of Transportation standards.

Stakeholder(s) comments/questions: An attendee stated the sign was for non-employees.

Stakeholder(s) comments/questions: An attendee stated one “can get around the requirement by just leaving the explosives on the ground.”

Stakeholder(s) comments/questions: An attendee asked if one has legal obligation to remove the sign on the day-box.

DOSH Response: DOSH staff stated “yes,” false messaging. An option would be to cover the sign.

Stakeholder(s) comments/questions: An attendee asked why put attraction on target; as public has shot into magazine.

Stakeholder(s) comments/questions: An attendee noted dealing with the occasional “kook” as well as normal individuals.

Stakeholder(s) comments/questions: An attendee asked why label as they do not transport in day-box.

Stakeholder(s) comments/questions: An attendee asked how to refill; for example fireworks display. Exempt?

DOSH Response: DOSH staff stated it is covered under state FM rules. Part C is long term storage.

WAC 296-52-3015(3):

Proposed changes approved by the group.

WAC 296-52-3015(4):

Proposed changes approved by the group.

WAC 296-52-3020 Handling explosives

WAC 296-52-3020(4)

Stakeholder(s) comments/questions: An attendee asked if need to “spell out” special insulated container.

Stakeholder(s) comments/questions: An attendee stated “means” non-sparking; for example, wood box in metal loader box. This is term used in industry.

Stakeholder(s) comments/questions: An attendee noted “secured” is term used by Washington State DOT.

Stakeholder(s) comments/questions: An attendee had noted “All explosives material must be transported in a non-sparking container and packed in such a way to avoid bouncing or moving around during transportation” prior to the meeting.

DOSH Response: DOSH staff responded the above information is stated in Part D, Transportation, under Cargo, 296-52-4020 WAC; and, asked if should be added to this section as well.

Based upon group discussion, changed from: *“Carried to the blast site from the main storage magazines by the blaster or blaster’s helper in special insulated containers, day boxes, or original U.S. DOT shipping containers.”*

Changed to: *“Carried to the blast site from the main storage magazines by the blaster or blaster’s helper in non-sparking containers, day boxes, or original U.S. DOT shipping containers which are secured to the vehicle.”*

The above changes approved by the group.

WAC 296-52-3020(6)

Proposed changes approved by the group.

WAC 296-52-30250 Storms

Stakeholder(s) comments/questions: An attendee stated they use Thurguard lightning detection system in manufacturing; and, impose different limits based upon distance from strikes. An attendee asked if there is something similar used in the blasting industry. An attendee asked if a distance, such as 0-5 miles (or similar) be added?

DOSH Response: DOSH staff stated terms “0-5 miles,” and, “5-10 miles” used in military; stop when you see hazard coming towards you; and, noted reluctance to specify exact distance since the agency can’t mandate that a detection system be used.

Stakeholder(s) comments/questions: An attendee stated one could carry lightning detectors; clip on or keep in truck.

Stakeholder(s) comments/questions: An attendee asked if you see lightning far away, should one still stop.

DOSH Response: DOSH staff stated “yes” as a storm can “sneak up on you quick.”

Proposed changes approved by the group.

WAC 296-52-30260 RF transmissions sources

Stakeholder(s) comments/questions: An attendee asked if cellular phone use and distances from explosives should be added.

DOSH Response: DOSH staff asked the group if language regarding cell phone use should be added.

Stakeholder(s) comments/questions: An attendee stated cell phones should be turned off; or, leave in the truck. People who work in industry should know.

DOSH Response: An attendee noted UAVs are commonly used by public and asked if there should be guidelines to monitor UAV activity during blasting operations. An attendee noted low flying planes from Whidbey Island Naval Air Station has been an issue.

Proposed changes approved by the group.

WAC 296-52-30270 Site Survey

Stakeholder(s) comments/questions: An attendee asked if site survey should include clearance zone for Radio Frequency (RF).

DOSH Response: DOSH staff stated yes; do survey around.

Stakeholder(s) comments/questions: An attendee asked if fixed area.

DOSH Response: Language doesn’t specify “fixed,” should do on what is typical.

Stakeholder(s) comments/questions: An attendee asked if there is a legitimate risk.

DOSH Response: DOSH staff stated “yes,” there is evidence. See military operations; use of radios while doing explosives.

Proposed changes and Table C-1 approved by the group.

WAC 296-52-30280 RF-transmitter warning signs

WAC 296-52-30280(2)

DOSH Response: DOSH staff noted the requirements in WAC 296-52-30280(2) meet the requirements in the MUTCD, also known as the Manual on Uniform Traffic Control Devices. The MUTCD is published by the Federal Highway Administration (FHWA).

Stakeholder(s) comments/questions: An attendee stated they are seeing an increase in personal drone use on Forest Service Land.

Stakeholder(s) comments/questions: An attendee stated no guarantee of public compliance.

Stakeholder(s) comments/questions: An attendee detailed an incident in Idaho affected by radio frequency.

Stakeholder(s) comments/questions: An attendee detailed an incident in which an individual was holding a 2-way radio and electric detonator. His brother called him using the 2-way radio, resulting in the electric detonator going off in his hand.

Stakeholder(s) comments/questions: An attendee asked “why” have these requirements when there is no guarantee of public compliance.

Stakeholder(s) comments/questions: An attendee stated the requirements give the agency the authority to enforce; for example, can track down owner of drone, impact public safety.

Stakeholder(s) comments/questions: It was noted a flagger can enforce the MUTCD; and, can locate individual(s) by documenting license plate.

Proposed changes approved by the group.

WAC 296-52-3030 User (Blaster) responsibilities

DOSH Response: DOSH staff noted it doesn’t say “blaster in charge.” If an individual is a licensed blaster, he/she has a responsibility to act and remind others in relation to blast safety, including public safety.

Stakeholder(s) comments/questions: An attendee stated need tough wording to allow a blaster to call and report to Labor and Industries if something isn’t right.

DOSH Response: DOSH staff stated every blaster has legal obligation to report and talk to blaster-in-charge.

Proposed changes approved by the group.

WAC 296-52-3035 Blaster in charge responsibilities

Stakeholder(s) comments/questions: An attendee stated you want someone in charge and responsible.

Stakeholder(s) comments/questions: An attendee asked if blaster-in-charge maintains records.

Stakeholder(s) comments/questions: An attendee states blaster-in-charge wanted to be where he/she has visual control of site; instructs the blaster.

DOSH Response: DOSH staff stated, at the end of the day, the blaster-in-charge must accept responsibility.

WAC 296-52-3035(1)(m)

Stakeholder(s) comments/questions: An attendee noted some entities differentiate between a “shot firer” and the blaster-in charge.”

Based upon group discussion, changed from: *“Personally detonate the charge or give an order to a designated blaster to detonate the charge.”*

Changed to: *“Personally detonate the charge or given an order to a designated person to detonate the charge.”*

Proposed changes approved by the group.

WAC 296-52-3035(2)(b)

Stakeholder(s) comments/questions: An attendee asked “is observed by who? Does a homeowner’s belief that their driveway has been cracked fall into this category?”

DOSH Response: DOSH staff stated we are trying to obtain the reporting from blasters right when they know there is damage and ensure that proper investigations occur. Trying to ensure the blaster/company knows when damage occurs they report.

Stakeholder(s) comments/questions: An attendee asked if regulators willing to make sure that if a false report filed by public, action would be taken.

DOSH Response: DOSH staff stated lying to him as the Explosives Statewide Program Supervisor/Department of Labor and Industries is a crime; and, is punishable.

Stakeholder(s) comments/questions: An attendee stated that is why he uses a seismograph, maintains records and ensure in compliance. “Nips faulty reports in the bud.”

Stakeholder(s) comments/questions: An attendee noted it is good to have documentation 7-8 years later.

Stakeholder(s) comments/questions: An attendee asked for the definition of “uncontrolled” flyrock.

Stakeholder(s) comments/questions: An attendee responded “if it leaves the area.”

Stakeholder(s) comments/questions: An attendee asked what happens on barren land, is it still an issue?

Stakeholder(s) comments/questions: An attendee stated “yes” it is an issue if you don’t have permission to be on the land.

DOSH Response: DOSH staff provided an example of blasting being performed in a quarry near Spokane. If flyrock left the area, there would be risk of injury to person or property.

Stakeholder(s) comments/questions: An attendee noted insurance companies train investigators.

Stakeholder(s) comments/questions: An attendee suggested updating the wording to remove “air blast limits” and suggested “air over pressure.” An attendee noted the blaster has responsibility to notice; and, stop if damage occurs; for example, broken glass.

Stakeholder(s) comments/questions: An attendee asked if blasting must stop.

DOSH Response: DOSH staff stated “if you see and notice, yes stop.”

Based upon group discussion, changed from: *“Vibration and air blast limits cause injury or property damage or uncontrolled flyrock is observed.”*

Changed to: *“Vibration and air over pressure cause injury or property damage or uncontrolled flyrock is observed.”*

Proposed changes approved by the group.

WAC 296-52-3035(3)(b)(vi)

Stakeholder(s) comments/questions: An attendee asked if date codes can be provided in the delivery record or does it need to be part of the “shot report?”

DOSH Response: DOSH staff stated the delivery record could do this, depending on how the report is made. Point is to ensure that a record is done. Date code/Lot number ensure an accurate inventory trail.

Stakeholder(s) comments/questions: An attendee stated he attaches delivery tickets to blast record.

DOSH Response: DOSH staff noted date code is the standard.

Proposed changes approved by the group.

WAC 296-52-3035(3)(b)(xiv)

Stakeholder(s) comments/questions: An attendee referenced the blast zone; don’t own highways.

DOSH Response: DOSH staff stated the code references “structure,” not highway.

Stakeholder(s) comments/questions: An attendee asked if moving vehicle on highway subject to this requirement?

Stakeholder(s) comments/questions: An attendee stated the highway is shut down during blasting.

DOSH Response: DOSH staff noted to verify against current national standard.

Based upon group discussion, changed from: *“Direction, distance in feet, and identification of the nearest dwelling, house, public building, school, church, or commercial/institutional building not owned or leased by the blaster in charge conducting the blasting, or, the owner/contractor the blaster-in-charge represents.”*

Changed to: *“Direction, distance in feet, and identification of the nearest public or private structure or commercial/institutional building not owned or leased by the blaster in charge conducting the blasting, or, the owner/contractor the blaster-in-charge represents.”*

Proposed changes approved by the group.

WAC 296-52-3035(3)(c)(ii)

Stakeholder(s) comments/questions: Stakeholders expressed concerns with this requirement.

DOSH Response: DOSH staff stated affordable GPS available, needed for blast record.

Proposed changes approved by the group.

WAC 296-52-3040 Trainee supervision

Proposed changes approved by the group.

The group adjourned for lunch at 12:00pm.

The group reconvened at 1:04pm.

WAC 296-52-3100 Vibration and damage control

WAC 296-52-3100(1)

Stakeholder(s) comments/questions: What is the difference between “blast area” and “blasting site?”

DOSH Response: Blast area is the area affected by the blast. Blast site area where explosive material is handled during loading and 50 feet in all directions from loaded blast holes or holes to be loaded; or, thirty feet with barricading.

The group directed the language be updated to mirror changes made to blaster-in-charge section.

Based upon group discussion, changed from: *“Either Table C-3 or Table C-4 can be used to determine the maximum limits of ground vibration for any dwelling, public building, school, church, commercial site, cofferdams, piers, underwater structures, or institutional building nearby the*

blasting site. The methods used for monitoring vibration and calculating frequency must be included in the blast plan.”

Changed to: *“Either Table C-3 or Table C-4 can be used to determine the maximum limits of ground vibration for any public or private structure or commercial/institutional building not owned or leased by the blaster in charge conducting the blasting, or, the owner/contractor the blaster-in-charge represents, or underwater structures, nearby the blasting site. The methods used for monitoring vibration and calculating frequency must be included in the blast plan.”*

Proposed changes approved by the group.

WAC 296-52-3100(1) Table C-4 Key d

The group directed the language be updated to mirror changes made to blaster-in-charge section. Based upon group discussion, changed from: *“The distance in feet (or meters) from the blast to the nearest dwelling, public building, school, church, commercial, or institutional building not owned, leased, or contracted by the blasting operations, or on property where the owner hasn’t given a written waiver to the blasting operation.”*

Changed to: *“The distance in feet (or meters) from the blast to the nearest public or private structure or commercial/institutional building not owned or leased by the blaster in charge conducting the blasting, or, the owner/contractor the blaster-in-charge represents.”*

Proposed changes approved by the group.

WAC 296-52-3100(2)

The group directed the language be updated to mirror changes made to blaster-in-charge section. Based upon group discussion, changed from: *“Air blast - Maximum limits. Air blast must not exceed the maximum limits listed in Table ~~C-5~~~~8-C~~. Use Table ~~8-C~~~~C-5~~ to determine maximum air blast limits at any dwelling, public building, school, church, commercial, or institutional building not owned, leased, contracted, or on the property where the owner hasn’t provided a written waiver to the blasting operation.”*

Changed to: *“Air over pressure - Maximum limits. Air over pressure must not exceed the maximum limits listed in Table C-5. Use Table C-5 to determine maximum over pressure limits at any public or private structure or commercial/institutional building not owned or leased by the blaster in charge conducting the blasting, or, the owner/contractor the blaster-in-charge represents.”*

Proposed changes approved by the group.

WAC 296-52-3100 Table C-5

The group approved changing the title of the Table from “Air-Blast Limits” to “Air Over Pressure Limits.”

Proposed changes approved by the group.

WAC 296-52-3105 Blast design

Stakeholder(s) comments/questions: An attendee asked if intent to only have CPE's as consultants in the State of Washington.

DOSH Response: DOSH staff stated proposed changes to address designs that don't meet conditions. CPE signature creates layer of accountability. This was a requested issue from smaller blast outfits. The intent is not to have the CPE instead of blaster; rather that if someone is going to try to override a blaster (many companies/agencies using "cookie cutter" blast designs from elsewhere) it needs to come from a qualified person who is willing to sign their name and credentials."

Stakeholder(s) comments/questions: An attendee stated there are only 3 CPE's in state who know enough.

DOSH Response: An example would be a geological CPE could override.

Stakeholder(s) comments/questions: An attendee stated this means "get job specs, have design criteria and can cite 296-52."

DOSH Response: DOSH staff stated Washington code does allow certain stamps from other states, such as Texas.

Stakeholder(s) comments/questions: An attendee stated if he doesn't agree with specs and CPE stamps, he pulls his insurance.

Stakeholder(s) comments/questions: An attendee asked if it was only CPE's who can sign-off; or, can Dr. Kathy?

Stakeholder(s) comments/questions: An attendee stated have blaster consultants who do not have knowledge base; only "cut and paste" from previous design specs.

Proposed changes approved by the group.

WAC 296-52-3205 Drilling

DOSH Response: Code address criteria of records to be kept and by whom.

Stakeholder(s) comments/questions: An attendee noted "type" should be "properties."

WAC 296-52-3205(1)(c) Changed from "rock type" to "rock properties."

WAC 296-52-32015(1)(f) Changed from "changes in rock/soil type" to "rock/soil properties"

Proposed changes approved by the group.

WAC 296-52-3205(4)(b)

Stakeholder(s) comments/questions: An attendee noted "there are times when even 'best practice' with regards to misfires requires work on site to continue."

Based upon group discussion, changed from: *“Unexploded charges must be refired before work proceeds.”*

Changed to: *“Unexploded charges must be refired or removed by appropriate means before work proceeds.”*

Proposed changes approved by the group.

WAC 296-52-3205(5)(a)

Stakeholder(s) comments/questions: An attendee noted the requirement should be “twice” the length.

Based upon group discussion, changed from: *“The length of the steel being used for drilling”*

Changed to: *“Twice the length of the steel being used for drilling”*

A note was made to verify the changes against ANSI (American National Standards Institute) and/or MSHA (Mine Safety and Health Administration).

Proposed changes approved by the group.

WAC 296-52-3210 Loading blast holes

Proposed changes approved by the group.

WAC 296-52-3310 Electric initiating systems

WAC 296-52-3310(10)(c)(iii)

Stakeholder(s) comments/questions: An attendee noted some large surface coal and metal mines use a “shot firer” to physically fire the blast under the direction of the blaster-in-charge.

Based upon group discussion, changed from: *“Fire the shot.”*

Changed to: *“Fire the shot or designate and supervise the person firing the shot.”*

Proposed changes approved by the group.

WAC 296-52-3725 Electric initiating systems

Proposed changes approved by the group.

Part D, Transportation of Explosive Materials

WAC 296-52-4020 Cargo

WAC 296-52-4020(1)(b)

Stakeholder(s) comments/questions: An attendee noted it is important to define storage of detonators in magazine and in transporting. An attendee asked if the detonator section should be moved to the front, under cargo.

Proposed changes approved by the group.

WAC 296-52-4020(2)

Stakeholder(s) comments/questions: An attendee suggested adding “and detonators.”

Stakeholder(s) comments/questions: An attendee stated wording should agree with Washington State DOT.

Stakeholder(s) comments/questions: An attendee stated language not in conflict with Washington State DOT language.

Proposed changes approved by the group.

WAC 296-52-4115 Placards

Stakeholder(s) comments/questions: An attendee asked if this applies to everyone.

DOSH Response: DOSH staff stated code applies to everyone. Exceptions noted separately in individual sections.

Stakeholder(s) comments/questions: An attendee stated must have placards even on private vehicles.

Stakeholder(s) comments/questions: An attendee stated placards only apply when “in commerce” status for DOT standards to apply.

Stakeholder(s) comments/questions: An attendee responded, stating “no, apply to everyone.”

DOSH Response: DOSH staff noted the proposed language should be reviewed further; and, moved further discussion to the July meeting.

Proposed changes **not** approved.

WAC 296-52-4120 Fire protection

WAC 296-52-4120(1)(b)

Stakeholder(s) comments/questions: It was noted the code should agree with Washington State DOT/federal standards.

Stakeholder(s) comments/questions: Attendees provided 49 CFR 393.95 Emergency equipment on all power units (attached).

DOSH Response: DOSH staff noted the proposed language should be reviewed further for compatibility with federal standards. The group agreed to insert language from 49 CFR 393.95; and, approved the section with those changes.

WAC 296-52-4125 Operation while transporting

Stakeholder(s) comments/questions: An attendee suggested, rather than list, why not refer to federal standards? Stated better to be parallel. An attendee noted federal regulations require more detail; kept in driver DQ file.

DOSH Response: DOSH staff noted the information already provided in WAC 296-52-4125(2)(b)(i)(B) which states: “The driver must be aware of safety precautions for the explosives being transported.”

Proposed changes approved by the group.

WAC 296-52-4125(2)(a)(vii):

Stakeholder(s) comments/questions: An attendee noted there is a difference between “addicted” and “under the influence.”

DOSH Response: DOSH staff noted the proposed language should be reviewed further for compatibility with federal standards. The group agreed to insert language from 49 CFR 393.95; and, approved the section with those changes.

WAC 296-52-4125(3):

Based upon group discussion, changed from: “(3) *Parking-Division 1.2 explosives. A vehicle that contains Division 1.1 or 1.2 explosives cannot be parked.*”

Changed to: “(3) *Parking-Division 1.2, 1.2, or 1.3 explosives containing vehicles cannot be parked.*”

Proposed changes approved by the group.

WAC 296-52-4125(3)(c):

Based upon group discussion, a third criteria for exemption added: “*Or allowed by Chapter 212-17 WAC Fireworks.*”

Proposed changes to the “Exemption” approved by the group.

WAC 296-52-4125(4):

Based upon group discussion, proposed language changed from: “*Vehicle attendance. A vehicle while transporting any quantity of Division 1.1 or 1.2 explosives must be attended at all times by a driver or other representative of the vehicle carrier, exceptions are:*”

Changed to: *Vehicle must be attended at all times while transporting any quantity of Division 1.1, 1.2 or 1.3 explosives by a driver or other representative of the vehicle carrier, exceptions are*”

Proposed changes approved by the group.

WAC 296-52-4125(4)(a)(i):

Stakeholder(s) comments/questions: An attendee noted reference to standard is incorrect format. An attendee submitted “how to” cite via email. Based upon email, the language changed from: “*NFPA Std 498*”

Changed to: “*NFPA 498 Standard for Safe Havens and Interchange Lots for Vehicles Transporting Explosives*”

Format change only, changes made after the meeting.

WAC 296-52-41250 Transporting detonators and explosives in the same vehicle

Proposed changes approved once verified compatible with Washington State DOT and federal regulations.

Part G, Commercial Consumer Materials

WAC 296-52-7000 General

WAC 296-52-7000(3)(b):

Stakeholder(s) comments/questions: An attendee noted detonators and explosives not stored in the same containers. They are kept separate for transportation and storage.

Based upon group discussion, changed from: “*(b) Primers will be stored and treated as detonators.*”

Changed to: “*(b) Primers will be stored and treated in the same manner as detonators.*”

Proposed changes approved by the group.

WAC 296-52-7205 Transportation

Stakeholder(s) comments/questions: An attendee expressed concern with suggested changes; would require two vehicles.

DOSH Response: DOSH staff noted, same vehicle, for example separate, one in trunk, other in back seat. This would meet requirements of the code.

DOSH Response: DOSH staff noted “until 750,000, no magazine requirements for primers.” Primers are not to be in same magazine with charge.

Stakeholder(s) comments/questions: An attendee noted “shot shell primers” can no longer be carried on a plane. The FAA considers IED.

Stakeholder(s) comments/questions: An attendee noted “not explosive until mixed, so not subject to regulation.”

Stakeholder(s) comments/questions: An attendee agreed with the previous comment.

DOSH Response: DOSH staff stated there is a problem with limitation of storage and transport.

Stakeholder(s) comments/questions: An attendee asked how Washington State can justify calling something explosive when BATFE (Bureau of Alcohol, Tobacco, Firearms and Explosives) doesn't?

DOSH Response: DOSH staff noted there have been individuals and/or groups supporting this change.

Stakeholder(s) comments/questions: An attendee suggested limiting access of who can use, or, cannot use.

Stakeholder(s) comments/questions: An attendee noted, "Theoretically, one could carry in 2 vehicles; or, car and trailer?"

DOSH Response: DOSH staff stated "yes."

Stakeholder(s) comments/questions: An attendee made comment regarding catalyst.

DOSH Response: DOSH staff commented on the number of reports of detonators being used in a manner inconsistent with manufacturer's intended use.

Stakeholder(s) comments/questions: An attendee asked if there are restrictions for the private user.

DOSH Response: DOSH staff noted 25 pounds.

Stakeholder(s) comments/questions: An attendee referred to "unmixed," and, asked if "public safety" being used as the measuring stick.

Stakeholder(s) comments/questions: An attendee stated trying to prevent misuse.

Stakeholder(s) comments/questions: An attendee stated the ATF has "washed hands."

Stakeholder(s) comments/questions: An attendee asked if ATF has "washed hands," why is L&I pursuing?

DOSH Response: DOSH staff stated code for general use and applies to both public and private. DOSH staff noted, through rulemaking process, stakeholders may provide comment to directors, legislators etc.

Stakeholder(s) comments/questions: An attendee stated regulations should be limited to mixed binaries.

Stakeholder(s) comments/questions: An attendee stated this gives the appearance of "trying to do something;" and, believes updated code with work and limit potential problems (misuse).

DOSH Response: Updated code provides tools for law enforcement to act upon.

Stakeholder(s) comments/questions: An attendee stated “has no benefit.”

DOSH Response: DOSH staff stated he believes has benefit.

Stakeholder(s) comments/questions: An attendee asked if there are penalties on POV.

DOSH Response: DOSH staff noted, should there be a crash, load spreads and “mixes.” Public safety affected.

Stakeholder(s) comments/questions: An attendee asked what the purpose of forming this Explosives Advisory Board if proposed changes not supported by the group?

Stakeholder(s) comments/questions: An attendee noted another attendee works with ammonium nitrate.

DOSH Response: DOSH staff noted “sonic booms” have caused problems.

Stakeholder(s) comments/questions: An attendee noted one individual should not be able to influence this change.

DOSH Response: DOSH staff noted he has received direction from upper management to make these changes; his role is to present to the public.

Stakeholder(s) comments/questions: An attendee noted the majority of the group does not agree with, or support the proposed changes to the WAC.

DOSH Response: DOSH staff stated their “argument” was noted and will be reflected in meeting minutes; however, stated his role was to present the proposed changes.

Stakeholder(s) comments/questions: An attendee suggested folks may be more agreeable with changes if “amounts different.”

Proposed changes **NOT** approved by the group. An attendee abstained.

WAC 296-52-72110 Private residences

Stakeholder(s) comments/questions: An attendee asked if in agreement with fire codes and Washington State DOT.

Stakeholder(s) comments/questions: An attendee asked how to regulate as if components not mixed, not explosives.

DOSH Response: DOSH staff stated nitro methane is regulated.

Stakeholder(s) comments/questions: An attendee detailed an instance in which employer required to obtain a manufacturing license when using separate binary components.

DOSH Response: DOSH staff noted “tannerite” is an example of a binary for which a manufacturing license is not required.

Stakeholder(s) comments/questions: An attendee mentioned the fire code in relation to private residences; thought addressed in either Chapter 62 or 63.

DOSH Response: DOSH staff noted he will verify code consistent.

Proposed changes **not** approved by the group. An attendee abstained.

WAC 296-52-72120 Commercial stocks

Stakeholder(s) comments/questions: An attendee stated with proposed changes, will require continued use of variances.

DOSH Response: DOSH staff noted changes have been made to support current process used by an attendee employer; for example, firearms may be kept in same room if in another box (manufacturer’s package for sale of individual weapon).

Stakeholder(s) comments/questions: An attendee noted they never have more than 100 pounds; fighting on principle.

DOSH Response: DOSH staff noted they have received complaints; following use that did not agree with manufacturer’s directions.

DOSH Response: DOSH staff noted the proposed language should be reviewed; and, moved further discussion to the July meeting.

Proposed changes **not** approved by the group.

WAC 296-52-7300 Use.

Proposed changes approved by group.

Review of Appendices:

Appendix A: Sample explosives-blasting ordinance for local jurisdictions

Appendix B: Sample Blast Record Format

Appendix C: Blasting Drill Log

Proposed appendices approved by group.

Following the review of Parts C, D, G and Appendices A-C; DOSH staff summarized next steps of the rulemaking process.

DOSH staff noted there will be at least one public hearing; and, most likely two. One will be held in Tumwater; the second in Spokane or Moses Lake.

Stakeholder(s) comments/questions: An attendee asked if the group should all come to the meeting.

DOSH Response: DOSH staff stated he hoped at least 1-2 representative of each sub-group would attend.

Stakeholder(s) comments/questions: An attendee asked if a panel should be created to assist with the public hearings; and, answer questions. DOSH staff stated he would need to check on that. Following the meeting, it was confirmed, a panel representing the ESSG would not be formally asked to attend the public hearing(s).

DOSH staff reminded attendees of the upcoming 2-day meeting in July, to be held in Wenatchee.

The meeting adjourned at 3:28pm.

Due-Outs from meeting of April 10, 2019:

Part A: Add “shot blast” to Definitions

Chapter 296-52 WAC Part C

Chapter 296-52-3015(1)(c) WAC, Temporary and blast site storage WAC

Add storage criteria for size of font for the sign to be placed.

Chapter 296-52-3205(5)(1) Drilling

Verify changes against ANSI and/or MSHA

Part D Transportation of Explosive Materials

WAC 296-52-4020(2): verify compatibility with Washington State DOT and federal regulations

WAC 296-52-4115: verify compatibility with Washington State DOT and federal regulations

WAC 296-52-4120(1)(b): verify compatibility with Washington State DOT and federal regulations

WAC 296-52-4125(3)(c): Verify correct WAC cited

WAC 296-52-4125(4): verify compatibility with Washington State DOT and federal regulations

Part G

WAC 296-52-72110: verify consistent with applicable regulations.

ESSG members emailed final drafts of Parts C, D and G reflecting changes made during the meeting. Comments and suggestions received from stakeholders added to the drafts for review at meeting in July. Electronic acceptance/approval of the drafts received from ESSG members.

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: July 23-24, 2019

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

Location:

Washington State Department of Transportation
Stevens Pass Conference Room
2830 Euclid Avenue, Building A
Wenatchee, WA 98801
(509) 667-3003

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

- Agenda
- PowerPoint Presentation
- Draft language for Chapter 296-52 WAC, Safety Standards for Explosives, Parts C
- Draft language for Chapter 296-52 WAC, Safety Standards for Explosives, Part D
- Draft language for Chapter 296-52 WAC, Safety Standards for Explosives, Part G
- Draft Appendix A
- Draft Appendix B
- Draft Appendix C
- Excerpt of Washougal flyrock Explosives Activity Inspection Report

Presented during the meeting:

- PowerPoint Presentation: Explosives Safety Stakeholder Group Meeting (DOSH staff)
- PowerPoint Presentation: Washougal flyrock incident (DOSH staff)

References

¹ Federal Bureau of Investigation, Criminal Justice Information Services (CJIS), Next Generation Identification (NGI)