

Chapter 296-52 WAC Safety Standards for Possession, Handling and Use of Explosives

(Form Number F414-038-000)

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This book contains rules for Safety Standards for possession, handling and use of explosives, as adopted under the Washington Industrial Safety and Health Act of 1973 (Chapter 49.17 RCW).

DATE: The new issue date of this book is September 2017. A brief promulgation history, set within brackets at the end of each section, gives statutory authority, administrative order of promulgation, and date of adoption of filing.

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- Information telephone number is 1-800-4BESAFE

Also available on the DOSH web site:

<ul style="list-style-type: none">• DOSH Core Rules• Other General DOSH Rules• Industry and Task-Specific Rules• Proposed Rules and Hearings• Newly Adopted Rules and New Rule Information	<ul style="list-style-type: none">• DOSH Regional Directives (DRD's)• DOSH Interim Operations and Interpretive Memoranda (DIOIM)• Memoranda of Understanding (MOU)
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Items Highlighted in Blue are in consistent with other national standards and the standards adopted by OSHA and other states.

Items highlighted in yellow are items discussed by the sub-group that need changes

There should be good justification from the department to stray from the nationally accepted standards. In some cases, differences may be needed for something as simple as licensing requirements – but the technical aspects of the rules should mirror national standards unless there is a condition unique to Washington. For example, the national standard may not contain requirements for avalanche control, since every state does not have that specific condition. In instances like that, the state should utilize the core chapters of the national standard and build on it. i.e. Adopting the national standard with amendments that include a chapter specific to avalanche control. Even small discrepancies can lead to confusion or communication issues and sometimes can result in injury or death. Especially as companies tend to work across state lines.

PART A
DEFINITIONS, PURPOSE, SCOPE, AND APPLICATION

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WAC	Page
296-52-099 Definitions.	1
296-52-60005 Implementation of the Washington State Explosives Act.	12
296-52-60010 Purpose and intent.	12
296-52-60015 Coverage.	12
296-52-60020 Exemptions.	13
296-52-60030 The department.	15
296-52-60035 Other government entities.	15
296-52-60045 Responsibility to obtain an explosives license.	16
296-52-60050 Unlicensed activities.	16
296-52-60055 Drug use.	16
296-52-60060 License revocation, suspension, and surrender.	16
296-52-60065 Violation appeals.	17
296-52-60075 Hazards to life.	17
296-52-60080 Entry and access to explosive areas.	17
296-52-60085 Abandonment of explosives.	17
296-52-60090 Firearms.	17
296-52-60095 Fire.	17
296-52-60100 Daylight blasting.	18
296-52-60105 Notification-Blasting near utilities.	18
296-52-60115 Explosives industry employers.	18
296-52-60120 Variance from a chapter requirement.	18
296-52-60125 Using standards from national organizations and federal agencies.	19

WAC 296-52-099 Definitions.

Aerial blaster in charge. A person who:

- (a) Is fully qualified, by means of training and experience in explosives use;
- (b) Is adequately trained, experienced, and capable of recognizing hazardous conditions throughout the blast area.
- (c) Is in charge of:
 - (i) The blast process; and
 - (ii) All aspects of explosives and blasting agent storage, handling, and use as recommended by the manufacturer and as required by this chapter.
- (d) Is in a position of authority:
 - (i) To take prompt corrective action in all areas of the blast operation, and
 - (ii) Over all other blasters at the blast sight.
- (e) Has a minimum of five missions under the supervision of a licensed aerial blaster in charge; and
- (f) Successfully completes a written exam for aerial blaster in charge.

Alien. Any person who is not a citizen or national of the United States.'

American table of distances. The *American Table of Distances for Storage of Explosives* as revised and approved by Institute of the Makers of Explosives (IME).'

Approved storage facility. A facility for the storage of explosive materials which is in compliance with the following sections:

- (a) Storage license (WAC 296-52-660);
- (b) Storage of explosive materials, Part E of this chapter; and
- (c) Magazine construction (WAC 296-52-700).

ATF. The Bureau of Alcohol, Tobacco, Firearms and Explosives.

Attended, as attending explosives. The physical presence of an authorized person within the field of vision of explosives. The said attendant shall be awake, alert, and not engage in activities which may divert their attention so that in case of an emergency the attendant can get to the explosives quickly and without interference, except for brief periods of necessary absence, during which absence simple theft of explosives is not ordinarily possible.

Authorized agent. A person delegated by a licensed purchaser, who possesses a basic knowledge of explosives handling safety, to order and receive explosives on the purchaser's behalf.

Authorized agent Employee Possessor list. A current list of agents who are employees of the purchaser has authorized to order or receive explosives on their behalf.

Change to Employee Possessor

Approved by group 4.3.18

Authorized, approved, or approval. Authorized, approved, or approval by:

- (a) The department;
- (b) Any other approving agency; and
- (c) An individual as specified in this chapter.

~~**Authorized person.** A person approved or assigned by an employer, owner, or licensee to perform a specific type of duty or be at a specific location at the job site.~~

Avalanche. The sliding or falling of a large amount of snow down a steep slope which has a destructive force due to its mass.

Avalanche control pack. A specially designed and constructed pack for carrying explosives.

Avalanche control route. A route or specific path which is used by an authorized person in order to control the occurrence of avalanches.

Avalauncher. A device like a cannon which is used for avalanche control blasting. It has a rotating base calibrated for pointing and the barrel is mounted on an elevating mechanism. It uses a compressed gas to propel a projectile containing an explosive charge and detonating means. The gas source is connected to the gun by high pressure hose with in-line control valves and pressure gauges ahead of the trigger mechanism.

Barricades.

- (a) **Barricade.** Effectively screening a building containing explosives by means of a natural or artificial barrier from a magazine, another building, a railway, or highway;
- (b) **Artificial barricade.** A barricade of such height that a straight line from the top of any sidewall of the building containing explosives to the eave line of any magazine or other building or to a point twelve feet above the center of a railway or highway shall pass through such barrier, an artificial mound or properly revetted wall of earth with a minimum thickness of three feet;
- (c) **Natural barricade.** Any natural hill, mound, wall, or barrier composed of earth, rock, or other solid material at least three feet thick.

Blast area. The area of a blast that is effected by:

- (a) Flying rock missiles;
- (b) Gases; and
- (c) Concussion.

Blast pattern. The plan of the drill holes laid out and a display of the burden distance, spacing distance, and their relationship to each other.

Blast site. The area where explosive material is handled during loading and fifty feet in all directions from loaded blast holes or holes to be loaded.

Blaster. A person trained and experienced in the use of explosives and licensed by the department.

3.3.4 Blast Area. The area in which concussion (shock wave), flying material, or gases from an explosion can cause injury to persons.
Approved by group 4.3.18

3.3.5* Blast Site. The area where explosive material is handled during loading of the borehole, including 15.2 m (50 ft) in all directions from the perimeter formed by loaded holes.
Tentatively approved by group 4.3.18, replacing 50 ft with 30 ft clearance and barricading

Blaster in charge. A licensed blaster who is:

- (a) Fully qualified, by means of training and experience in explosives use;
- (b) Adequately trained, experienced, and capable of recognizing hazardous conditions throughout the blast area;
- (c) In charge of:
 - (i) The blast process;
 - (ii) All aspects of explosives and blasting agent storage, handling, and use as recommended by the manufacturer and as required by this chapter.
- (d) In a position of authority:
 - (i) To take prompt corrective action in all areas of the blast operation;
 - (ii) Over all other blasters at the blast area.

Blaster s license. An individual license issued by the department under the provisions of chapter 296-52 WAC.

Blasting agent. Any material or mixture consisting of a fuel and oxidizer:

- (a) That is intended for blasting;
- (b) Not otherwise defined as an explosive;
- (c) If the finished product, as mixed for use or shipment, cannot be detonated by means of a number 8 test blasting cap when unconfined;
- (d) A number 8 test blasting cap is one containing two grams of a mixture of eighty percent mercury fulminate and twenty percent potassium chlorate, or a blasting cap of equivalent strength. An equivalent strength cap comprises 0.40-0.45 grams of PETN base charge pressed in an aluminum shell with bottom thickness not to exceed 0.03 of an inch, to a specific gravity of not less than 1.4 g/cc., and primed with standard weights of primer depending on the manufacturer.

Blasting cap or cap. When used in connection with the subject of explosives shall mean detonator.

Blockholing. The breaking of boulders by firing a charge of explosives that has been loaded in a drill hole.

Buildings that are not inhabited. A building(s) which has no one in it while explosives are being made up in an adjacent explosives makeup room or while explosives are being held in an adjacent day box or hand charge storage facility.

Competent person. A person who:

- (a) Is capable of identifying existing hazardous and the forecasting of hazards of working conditions which might be unsanitary or dangerous to personnel or property; and
- (b) Has authorization to take prompt corrective action to eliminate such hazards.

A material or mixture intended for blasting that meets the requirements of the DOT "Hazardous Materials Regulations," as set forth in 49 CFR Parts 173.56, 173.57, and 173.58, Explosive 1.5D.

Approved by group 4.3.18

Should this be re-labeled Uninhabited Buildings, or possibly changed to Hand Charge Facility definition?

Further discussion necessary as of 4.3.18

Consumer fireworks.

- (a) Any small firework device:
 - (i) Designed to produce visible effects by combustion;
 - (ii) That must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission (Title 16 C.F.R., Parts 1500 and 1507).
- (b) A small device designed to produce audible effects which include, but are not limited to:
 - (i) Whistling devices;
 - (ii) Ground devices containing 50 mg or less of explosive materials;
 - (iii) Aerial devices containing 130 mg or less of explosive materials.

Note: Fused set pieces containing components, which together, exceed 50 mg of salute powder are not included.

Conveyance. Any unit used for transporting explosives or blasting agents including, but not limited to: '

- (a) Trucks; '
- (b) Trailers; '
- (c) Rail cars; '
- (d) Barges; '
- (e) Vessels. '

Day box. A box which:

- (a) Is a temporary storage facility for storage of explosive materials;
- (b) Is not approved for unattended storage of explosives;
- (c) May be used at the worksite during working hours to store explosive materials, provided the day box is:
 - (i) Constructed as required (WAC 296-52-70065 Explosives day box);
 - (ii) Marked with the word "explosives";
 - (iii) Used in a manner that safely separates detonators from other explosives; and Guarded at all times against theft.

Dealer. Any person who purchases explosives or blasting agents for the sole purpose of resale and not for use or consumption.

Detonating cord. A round flexible cord containing a center core of high explosive and used to initiate other explosives.

3.3.14 Day Box. A Type 3 magazine.
At a minimum, these requirements should be located in WAC 296-52-70065 – but the State definition of Day Box is different than NFPA, OSHA and ATF which both classify a day box as a type 3 magazine.
Further discussion necessary
as of 4.3.18

3.3.15 Detonating Cord. A flexible cord containing a center core of high explosive used to detonate other explosives.
Approved by group 4.3.18

Detonator. Any device containing any initiating or primary explosive that is used for initiating detonation and includes, but is not limited to:

- (a) Electric and electronic detonators of instantaneous and delay types;
- (b) Detonators for use with safety fuses, detonating cord delay connectors, and nonelectric instantaneous delay detonators which use detonating cord, shock tube, or any other replacement for electric leg wires.

Discharge hose. A hose with an electrical resistance high enough to limit the flow of stray electric currents to safe levels, but not high enough to prevent drainage of static electric charges to the ground. Hose not more than 2 megohms resistance over its entire length and of not less than 5,000 ohms per foot meets the requirement.

Display fireworks. Large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation, and include, but are not limited to:

- (a) Salutes containing more than 2 grains (130 mg) of explosive materials;
- (b) Aerial shells containing more than 40 grams of pyrotechnic compositions;
- (c) Other display pieces, which exceed the limits of explosive materials for classification as "consumer fireworks";
- (d) Fused set pieces containing components, which together exceed 50 mg of salute powder.

Dud. An unexploded deployed charge which still has its initiation system in place.

Electric blasting circuitry. Consists of these items:

- (a) **Bus wire.** An expendable wire used in parallel or series, or in parallel circuits, which are connected to the leg wires of electric detonators;
- (b) **Connecting wire.** An insulated expendable wire used between electric detonators and the leading wires or between the bus wire and the leading wires;
- (c) **Leading wire.** An insulated wire used between the electric power source and the electric detonator circuit;
- (d) **Permanent blasting wire.** A permanently mounted insulated wire used between the electric power source and the electric detonator circuit.

Electric delay detonators. Detonators designed to detonate at a predetermined time after energy is applied to the ignition system.

Electric detonator. A blasting detonator designed for and capable of detonation by means of electric current.

Electronic detonator. A detonator that utilizes stored electrical energy as a means of powering an electronic timing delay element/module that provides initiation energy for firing the base charge.

Employee Possessor. A person approved or assigned by an employer, owner, or licensee to perform a specific type of duty or be at a specific location at the job site.

Employee Possessor. A person delegated by a licensee, who possesses a basic knowledge of explosives handling safety, to handle, store order and receive explosives on the licensee's behalf

Emulsion. An explosive material containing:

- (a) Substantial amounts of oxidizer dissolved in water droplets, surrounded by an immiscible fuel;

3.3.16* Detonator. Any device containing an initiating or primary explosive that is used for initiating detonation.
3.3.16.1 Electronic Detonator. A detonator that utilizes stored electrical energy as a means of powering an electronic timing delay element/module and that provides initiation energy for firing the base charge.
3.3.16.2 No. 8 Test Detonator. Adetonator with 0.40 to 0.45 g PETN (pentaerythritol tetranitrate) base charge pressed to a specific gravity of 1.4 g/cc and primed with standard weights of primer, depending on manufacturer.

Approved by group 4.3.18

Use definition from state Fireworks rules Chapter 212-17 WAC

(3) **"Display fireworks"** means pyrotechnic devices for professional use similar to consumer fireworks in chemical composition and construction but not intended for consumer use. Types of display fireworks:
(a) Aerial shell that is:
(i) Cylindrical or spherical cartridge containing:
(A) Lift charge;
(B) Burst charge;
(C) Effect composition.
(ii) Commonly sized from two to ten inches in diameter; and
(iii) Fired from metal, high-density polyethylene (HDPE), fiberglass, or heavy cardboard tubes.
(b) Salute that is:
(i) Paper-wrapped, cardboard tube, or sphere containing explosive composition in excess of 130 mg (2 grains); and
(ii) Upon ignition, produces noise and a flash of light.

Further discussion necessary

as of 4.3.18

New definition

Further discussion necessary
as of 4.3.18 – exemption for smokeless powder?

- (b) Droplets of an immiscible fuel surrounded by water containing substantial amounts of oxidizer.

Explosive actuated power devices. Any tool or special mechanized device, which is activated by explosives and does not include propellant actuated power devices.

Explosives.

- (i) Any chemical compound or mechanical mixture: Commonly intended or used for the purpose of producing an explosion;
- (ii) That contains any oxidizing and combustible units or other ingredients in proportions, quantities or packing that an ignition by fire, friction, concussion, percussion, or detonation of any part of the compound or mixture may cause sudden generation of highly heated gases resulting in gaseous pressures capable of producing destructive effects on contiguous objects or of destroying life or limb.
- (b) All material classified as Division 1.1, 1.2, 1.3, 1.4, 1.5, or 1.6 explosives by U.S. DOT;
- (c) For the purposes of public consumer use, the following are not considered explosives unless they are possessed or used for a purpose inconsistent with small arms use or other legal purposes:
 - (i) Small arms ammunition;
 - (ii) Small arms ammunition primers;
 - (iii) Smokeless powder, not exceeding fifty pounds;
 - (vi) Black powder, not exceeding five pounds.

3.3.20* Explosive. Any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion.

3.3.20.1 Binary Explosive. A blasting explosive formed by mixing or combining two precursor chemicals, for example ammonium nitrate and nitromethane.

3.3.20.2 Emulsion Explosive. An explosive material containing substantial amounts of oxidizer dissolved in water droplets surrounded by an immiscible fuel or droplets of an immiscible fuel surrounded by water containing substantial amounts of oxidizer.

3.3.20.3 Primary Explosive. A sensitive explosive such as lead azide, which detonates by simple ignition from such means as spark, flame, impact, friction, or other primary heat sources of appropriate magnitude.

3.3.20.4 Two-Component Explosive. See 3.3.20.1, Binary Explosive.

Further discussion necessary as of 4.3.18

Explosives classifications. Explosives classifications include, but are not limited to:

- (a) Division 1.1 and Division 1.2 explosives:
 - (i) Explosives that possess mass explosion or detonating hazard;
 - (ii) Dynamite;
 - (iii) Nitroglycerin;
 - (iv) Picric acid;
 - (iv) Lead azide;
 - (v) Fulminate of mercury;
 - (vi) Black powder (exceeding five pounds);
 - (vii) Detonators (in quantities of 1,001 or more);
 - (viii) Detonating primers. '
- (b) Division 1.3 explosives: '
 - (i) Explosives that possess a minor blast hazard, a minor projection hazard, or a flammable hazard;
 - (ii) Propellant explosives;
 - (iii) Black powder (exceeding five pounds);
 - (iv) Smokeless powder (exceeding fifty pounds).

Moved for consistency
Approved by group 4.3.18

Move to 1.3
Approved by group 4.3.18

Moved for consistency
Approved by group 4.3.18

To recognize this as a low explosive
Approved by group 4.3.18

- (c) Division 1.4 explosives:
 - (i) Explosives that present a minor explosion hazard;
 - (ii) Includes detonators that will not mass detonate in quantities of 1,000 or less.
- (d) Division 1.5 explosives:
 - (i) Explosives with a mass explosion hazard but are so insensitive that there is little probability of initiation;
 - (ii) ANFO and most other blasting agents are in this division.
- (e) Division 1.6 explosives, which are explosives that are extremely insensitive and do not have a mass explosion hazard.

Explosives exemption. The exemption for small arms ammunition, small arms ammunition primers, smokeless powder, not exceeding fifty pounds, and black powder, not exceeding five pounds:

- (a) Applies to public consumer use only;
- (b) Does not apply to the employer employee relationship covered under the Washington Industrial Safety and Health Act.

Explosives international markings.

- (a) The department will accept U.S. DOT and/or ATF international identification markings on explosives and/or explosives containers or packaging;
- (b) This exception is under the authority of RCW 70.74.020(3) and in lieu of Washington state designated markings (as defined by RCW 70.74.010(4) (Division 1.1, 1.2, and 1.3) and required by RCW 70.74.300).

Explosives manufacturing building. Any building or structure, except magazines:

- (a) Containing explosives where the manufacture of explosives, or any processing involving explosives, is conducted;
- (b) Where explosives are used as a component part or ingredient in the manufacture of any article or device.

Explosives manufacturing plant. All lands with buildings used:

- (a) In connection with the manufacturing or processing of explosives;
- (b) For any process involving explosives;
- (c) For the storage of explosives;
- (d) To manufacture any article or device where explosives are used as a component part or ingredient in the article or device.

Fireworks. Any composition or device:

- (a) Designed to produce a visible or an audible effect by combustion, deflagration, or detonation;
- (b) Which meets the definition of "consumer fireworks" or "display fireworks."

Forbidden or not acceptable explosives. Explosives which are forbidden or not acceptable for transportation by common carriers by rail freight, rail express, highway, or water in accordance with the regulations of the Federal Department of Transportation (DOT).

Fuel. A substance, which may react with oxygen to produce combustion.

Fuse (safety). See "safety fuse."

Fuse igniter. A special pyrotechnic device intended to be used to ignite safety fuses.

Hand charge. An explosive charge with a cap and fuse assembly inserted in place.

Handler. Any individual who handles explosives or blasting agents for the purpose of transporting, moving, or assisting a licensed blaster in loading, firing, blasting, or disposal.

Note: This does not include employees of a licensed manufacturer engaged in manufacturing process, drivers of common carriers, or contract haulers.

Hand loader. Any person who engages in the noncommercial assembly of small arms 'ammunition for personal use; specifically, any person who installs new primers, powder, and 'projectiles into cartridge cases.'

Highway. Roads, which are regularly and openly traveled by the general public and includes public streets, alleys, roads, or privately financed, constructed, or maintained roads.

Improvised device. A device, which is:

- (a) Fabricated with explosives;
- (b) Fabricated with destructive, lethal, noxious, pyrotechnic, or incendiary chemicals, and designed, or has the capacity to disfigure, destroy, distract, and harass.

Inhabited building.

- (a) A building which is regularly occupied, in whole or in part, as a habitat for human beings;
- (b) Any church, schoolhouse, railroad station, store, or other building where people assemble.

Note: This does not mean any building or structure occupied in connection with the manufacture, transportation, storage, or use of explosives.

Low explosives. Explosive materials, which can be caused to deflagrate when confined. This includes black powder, safety fuses, igniters, igniter cords, fuse lighters, and display fireworks defined as Division 1.2 or Division 1.3 explosives by U.S. DOT (49 C.F.R. Part 173).

Note: This does not apply to bulk salutes.

Magazine. Any building, structure, or container approved for storage of explosive materials.

Note: This does not apply to an explosive manufacturing building.

Manufacturer. Any person engaged in the business of manufacturing explosive materials for purposes of sale or distribution or for his or her own use.

Exception: The following exemptions are restricted to materials and components, which are not classified (by U.S. DOT) as explosives until after they are mixed. With this restriction, the definition of manufacturer does not include:

- *Inserting a detonator into a cast booster or a stick of high explosives product to make a primer for loading into a blast hole.*
- *The act of mixing on the blast site, either by hand or by mechanical apparatus, binary components, ammonium nitrate, fuel oil, and/or emulsion products to create explosives for immediate down blast hole delivery.*

Misfire. The complete or partial failure of an explosive charge to explode as planned.

Mudcap (also known as bulldozing and dobying). Covering the required number of cartridges that have been placed on top of a boulder with a three- or four-inch layer of mud, which is free from rocks or other material that could cause a missile hazard.

No-light. The failure of a safety fuse to ignite.

Nonelectric delay detonator. A detonator with an integral delay element in conjunction with and capable of being detonated by a:

- Detonation impulse;
- Signal from miniaturized detonating cord;
- Shock tube.

Oxidizer. A substance that yields oxygen readily to stimulate the combustion of organic matter or other fuel.

Permanent magazines. Magazines that:

- Are fastened to a foundation;
- Do not exceed permanent magazine capacity limits (RCW 70.74.040);
- Are approved and licensed;
- Are left unattended.

Person. Any individual, firm, partnership, corporation, company, association, person or joint stock association or trustee, receiver, assignee, or personal representative of that entity.

3.3.31 Misfire. A charge of explosive material that fails to detonate completely after initiation.

Approved by group 4.3.18

Person responsible. For an explosives magazine, means:

- (a) The person legally responsible for a magazine that actually uses the magazine;
- (b) The person is responsible for the proper storage, protection, and removal of explosives, and may be the owner lessee, or authorized operator.

Portable (field) magazines. Magazines that are:

- (a) Designed to be unattended;
- (b) Not permanently fastened to a foundation;
- (c) Constructed or secured to make sure they cannot be lifted, carried, or removed easily by unauthorized persons;
- (d) Limited to the capacity of explosives required for efficient blasting operation;
- (e) Approved and licensed.

Possess. The physical possession of explosives in one's hand, vehicle, magazine, or building.

Primary blasting. The blasting operation that dislodged the original rock formation from its natural location.

Primer. A unit, package, cartridge, or container of explosives inserted into or attached to a detonator or detonating cord to initiate other explosives or blasting agents.

Propellant actuated power device. Any tool, special mechanized device, or gas generator ' system, which is actuated by a propellant and releases and directs work through a propellant ' charge. '

Public utility transmission systems.

- (a) Any publicly owned systems regulated by:
 - (i) The utilities and transportation commission;
 - (ii) Municipalities.
- (b) Other public regulatory agencies, which include:
 - (i) Power transmission lines over 10 kV, telephone cables, or microwave transmission systems;
 - (ii) Buried or exposed pipelines carrying water, natural gas, petroleum, or crude oil or refined products and chemicals. '

Purchaser. Any person who buys, accepts, or receives explosives or blasting agents. '

Pyrotechnics (commonly referred to as fireworks). Any combustible or explosive ' compositions or manufactured articles designed and prepared for the purpose of producing audible or visible effects.

Qualified person. A person who has successfully demonstrated the ability to solve or resolve problems relating to explosives, explosives work, or explosives projects by:

- (a) Possession of a recognized degree or certificate;
- (b) Professional standing;
- (c) Extensive knowledge, training, and experience.

3.3.39 Primer. A unit, package, or cartridge of explosive material used to initiate other explosives or blasting agents and that contains
1 a detonator or
2 a detonating cord to which is attached a detonator designed to initiate the cord.

Approved by group 4.3.18

Railroad. Any type of railroad equipment that carries passengers for hire.

Safety fuse (for firing detonators). A flexible cord containing an internal burning medium by which fire is conveyed at a continuous and uniform rate.

Secondary blasting. Using explosives, mudcapping, or blockholing to reduce oversize material to the dimension required for handling.

Shock tube. A small diameter plastic tube:

- (a) Used for initiating detonators;
- (b) That contains a limited amount of reactive material so energy, transmitted through the tube by means of a detonation wave, is guided through and confined within the walls of the tube.

Small arms ammunition. Any shotgun, rifle, pistol, or revolver cartridge, and cartridges for propellant actuated power devices and industrial guns.

Note: This does not mean military type ammunitions containing explosive bursting incendiary, tracer, spotting, or pyrotechnic projectiles.

Small arms ammunition primers. Small percussion sensitive explosive charges encased in a detonator or capsule used to ignite propellant power or percussion detonators used in muzzle loaders.

Smokeless powder. Solid chemicals or solid chemical mixtures that function by rapid ' combustion. '

Special industrial explosive devices. Explosive actuated power devices and propellant-actuated power devices.

Special industrial explosives materials. Shaped materials and sheet forms and various other ' extrusions, pellets, and packages of high explosives, which include: '

- (a) Dynamite;
- (b) Trinitrotoluene (TNT);
- (c) Pentaerythritol tetranitrate (PETN);
- (d) Hexahydro-1, 3, 5-trinitro-s-triazine (RDX);
- (e) Other similar compounds used for high-energy-rate forming, expanding, and shaping in metal fabrication, and for dismemberment and quick reduction of scrap metal.

Springing. The creation of a pocket in the bottom of a drill hole by the use of a moderate quantity of explosives so that larger quantities of explosives may be inserted.

Sprung hole. A drilled hole that has been enlarged by a moderate quantity of explosives to allow for larger quantities of explosives to be inserted into the drill hole.

Stemming. A suitable inert incombustible material or device used to confine or separate explosives in a drill hole or cover explosives in mudcapping.

3.3.47* Shock Tube
A small diameter plastic tube used for initiating detonators.

Approved by group 4.3.18

3.3.39.1 Small Arms Ammunition Primers. Small percussion sensitive explosive charges encased in a cap and used to ignite propellant powder.

Tentatively approved by group 4.3.18, Smokeless Powder definition to mirror NFPA

Trailer. Semi-trailers or full trailers, as defined by U.S. DOT, which are:

- (a) Built for explosives;
- (b) Loaded with explosives;
- (c) Operated in accordance with U.S. DOT regulations.

U.S. DOT. The United States Department of Transportation.

Vehicle. Any car, truck, tractor, or semi-trailer, full trailer, or other conveyance used for the transportation of freight.

Water-gels or emulsion explosives. These explosives:

- (a) Comprise a wide variety of materials used for blasting. Two broad classes of water-gels are those which:
 - (i) Are sensitized by material classed as an explosive, such as TNT or smokeless powder;
 - (ii) Contain no ingredient classified as an explosive which is sensitized with metals, such as aluminum, or other fuels.
- (b) Contain substantial proportions of water and high proportions of ammonium nitrate, some ammonium nitrate is in the solution in the water, and may be mixed at an explosives plant, or the blast site immediately before delivery into the drill hole.

3.3.NO2* Water Gel. An explosive material that contains substantial portions of water, oxidizers, and fuel, plus a crosslinking agent.

Approved by group 4.3.18

WAC 296-52-60005 Implementation of the Washington State Explosives Act. This chapter places into effect the Washington State Explosives Act (chapter 70.74 RCW (Revised Code of Washington)).

WAC 296-52-60010 Purpose and intent. The purpose of this chapter is to define ' minimum requirements for the prevention and control of hazards related to the possession, ' handling, and use of explosives in order to: '

- (1) Protect the safety and health of the general public
- (2) Protect the safety and health of explosive industry employees covered under the ' Washington Industrial Safety and Health Act (chapter 49.17 RCW) ' '
- (3) Develop, support, and maintain safe and healthy use of explosives in Washington state.

WAC 296-52-60015 Coverage. This chapter applies to:

- (1) Any person, partnership, company, corporation, government agency, or other entity
- (2) All aspects of explosives, blasting agents, and pyrotechnics including:
 - (a) Manufacture
 - (b) Sale
 - (c) Possession
 - (d) Purchase

- (e) Use '
 - (f) Storage '
 - (g) Transportation '
 - (h) Avalanche control. '
- (3) Storage of Display fireworks.

Note: Class A and B display fireworks are partially exempt from the requirements of this chapter (see WAC 296-52-60020(5)).

WAC 296-52-60020 Exemptions.

- (1) The following are exempt from this chapter:
- (a) Explosives or blasting agents transported by railroad, water, highway, or air under the jurisdiction of the Federal Department of Transportation (DOT), the Washington state utilities and transportation commission, and the Washington state patrol.
 - (b) Laboratories of schools, colleges, and similar institutions if confined to the purpose of instruction or research and if the quantity does not exceed one pound.
 - (c) Explosives in the forms prescribed by the official United States Pharmacopoeia.
 - (d) The transportation, storage, and use of explosives or blasting agents in the normal and emergency operations of:
 - (i) The United States agencies and departments including the regular United States military departments on military reservations
 - (ii) Arsenals, navy yards, depots, or other establishments owned by, operated by, or on behalf of, the United States
 - (iii) The duly authorized militia of any state
 - (iv) The emergency operations of any state department or agency any, police, or any municipality or county
 - (e) A hazardous devices technician when they are carrying out:
 - (i) Normal and emergency operations
 - (ii) Handling evidence
 - (iii) Operating and maintaining a specially designed emergency response vehicle that carries no more than ten pounds of explosive materials
 - (iv) When conducting training and whose employer possesses the minimum safety equipment prescribed by the Federal Bureau of Investigation (FBI) for hazardous devices work

Note: A hazardous devices technician is a person who is a graduate of the FBI Hazardous Devices School and who is employed by a state, county, or municipality.

- (f) The importation, sale, possession, and use of fireworks, signaling devices, flares, fuses, and torpedoes.
- (g) Reserved.
- (h) Any violation under this chapter if any existing ordinance of any city, municipality, or county is more stringent.
- (i) The transportation and storage of explosive actuated tactical devices, including noise and flash diversionary devices, by local law enforcement tactical response teams and officers in law enforcement department-issued vehicles designated for use by tactical response teams and officers, provided the explosive devices are stored and secured in compliance with regulations and rulings adopted by the federal bureau of alcohol, tobacco, firearms, and explosives.
- (j) Noncommercial military explosives. Storage, handling, and use of noncommercial military explosives while they are under the control of the United States government or military authorities.
- (k) Consumer fireworks. Fireworks classified as Division 1.4 explosives by U.S. DOT and regulated through the State fireworks law (chapter 70.77 RCW) and the fireworks administrative code (chapter 212-17 WAC) by the Washington state fire marshal.

Note: Consumer fireworks are classified as fireworks UN0336 and UN0337 by U.S. DOT (49 CFR 72.101).

- (2) Partial exemption—Division 1.1, 1.2, or 1.3 display fireworks. Display fireworks are fireworks classified as Division 1.1, 1.2, or 1.3 explosives by U.S. DOT. Users of Division 1.1, 1.2, or 1.3 display fireworks must comply with all storage or storage related requirements (for example, licensing, construction, and use) of this chapter.

Note: Display fireworks are classified as fireworks UN0333, UN0334, or UN0335 by U.S. DOT (49 CFR 172.101).

- (3) Conditional exemption small arms explosive materials. Public consumers possessing and using:

- (a) Black powder, under five pounds;
- (b) Smokeless powder, under fifty pounds;
- (c) Small arms ammunition;
- (d) Small arms ammunition primers. Unless these materials are possessed or used illegally or for a purpose inconsistent with small arms use.

(e) Black powder, under 5 pounds, for the use by pyrotechnic operators licensed under Chapter 212-17 WAC

(f) Hobbyist use where explosives are used on property where manufactured, must comply with all storage and storage related requirements of this chapter.

(4) Private noncommercial on private land

Remove
Approved by group 4.3.18

The charging statement in 60020 (1) provides the exemption language.

As this is currently, it doesn't tell the user anything about it since it doesn't fall in hierarchy of item 1 that contains the exemption charging language where items are exempt in their entirety. This is simply a list with no real direction – although, it is covered in (f) above – so deletion would achieve the desired result.

Further discussion necessary
as of 4.3.18

I believe the intent was that consumer fireworks are exempt from the chapter as a whole – therefore should fall under number 1

Further discussion necessary
as of 4.3.18

Is this necessary? Under 5 lbs is exempt

Approved by group 4.3.18

This is fairly consistent with ATF – transportation is acceptable with proper ATF license.
<http://www.atf.gov/explosives/frequently-asked-questions-fireworks>

There was concern noted in the sub-group with using the term "hobbyist" however this term seems to be consistent with ATF and APA terminology.

Tentatively approved by group 4.3.18
*add "hobbyist" definition

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STATE AND LOCAL GOVERNMENT JURISDICTIONS

WAC 296-52-60030 The department.

- (1) Administration and enforcement. The director of labor and industries administers and 'enforces all activities governed by the Washington State Explosives Act through chapter '296-52 WAC using the full resources of the department.'
- (2) Authority to enter, inspect, and issue penalties. The department may enter and inspect any location, facility, or equipment and issue penalties for any violation whenever the director has reasonable cause to think there are:
 - (a) Explosives;
 - (b) Blasting agents;
 - (c) Explosive materials.
- (3) Unlicensed activities. Whenever the director requests an unlicensed person to surrender 'explosives, improvised devices, or their component parts, he may request the attorney 'general to apply to the county superior court in which the illegal practice was carried out 'for a temporary restraining order or other appropriate assistance.'

WAC 296-52-60035 Other government entities.

- (1) Law enforcement authorities. The department:
 - (a) Acknowledges the legal obligation of other law enforcement agencies to enforce specific aspects or sections of the Washington State Explosives Act under local ordinances and with joint and shared authority granted by RCW 70.74.201.
 - (b) Will cooperate with all other law enforcement agencies in carrying out the intent of the Washington State Explosives Act and chapter 296-52 WAC.
- (2) Local government authorities.
 - (a) This chapter does not prevent local jurisdictions from adopting and administering local regulations relating to explosives. Examples of local jurisdictions/regulations include:
 - (i) City or county government explosive ordinances;
 - (ii) Other government authorities such as the Washington utilities and transportation commission, the Washington state patrol, or Washington administrative codes.
 - (b) Local regulations must not diminish or replace any regulation of this chapter.

Note: A nonmandatory sample-blasting ordinance for local jurisdictions is included in Appendix B.

BASIC LEGAL OBLIGATIONS

WAC 296-52-60045 Responsibility to obtain an explosives license. Anyone manufacturing, purchasing, selling, offering for sale, using, possessing, transporting, or storing any explosive, improvised device, or components intended to be assembled into an explosive or improvised device must have a valid license issued by the department.

WAC 296-52-60050 Unlicensed activities. Upon notice from the department or any law enforcement agency having jurisdiction, an unlicensed person manufacturing, offering for sale, selling, possessing, purchasing, using, storing, or transporting any explosives, improvised device, or components of explosives or improvised devices must immediately surrender those explosive materials to the department or the law enforcement agency having jurisdiction.

WAC 296-52-60055 Drug use. Explosives must not be handled by anyone under the influence of:

- (1) Alcohol;
- (2) Narcotics;
- (3) Prescription drugs and/or narcotics that endanger the worker or others;
- (4) Other dangerous drugs.

Note: This chapter does not apply to persons taking prescription drugs and/or narcotics as directed by a physician provided their use will not endanger the blaster, workers, or any other people.

WAC 296-52-60060 License revocation, suspension, and surrender.

- (1) Revocation. The department:
 - (a) Will revoke and not renew the manufacturer, dealer, purchaser, blaster, or storage license of any person as a result of a disqualifying condition identified in WAC 296-52-61040, Applicant disqualifications.
 - (b) May revoke the license of any person who has:
 - (i) Repeatedly violated the requirements of this chapter
 - (ii) Had a license suspended twice under this chapter
- (2) Suspension. The department may suspend the license of any person for a period up to 6 months for any violation of this chapter.
- (3) Surrender. Revoked or suspended licenses must be surrendered immediately to the department after the chapter violators have been notified.

WAC 296-52-60065 Violation appeals. An appeal of a citation, issued for a violation of a requirement of this chapter, which results in a license suspension or revocation (WAC 296-52-60060) may be filed with the department.

BASIC HAZARD PRECAUTIONS

WAC 296-52-60075 Hazards to life. Explosives or blasting agents must not be stored, handled, or transported if they could create a hazard to life.

WAC 296-52-60080 Entry and access to explosive areas. Only the owner, owner's authorized agent, the director, or law enforcement officer(s) acting in an official capacity may enter into an:

- (1) Explosives manufacturing building;
- (2) Magazine storing explosives;
- (3) Vehicle transporting explosives;
- (4) Other common carrier containing explosives.

WAC 296-52-60085 Abandonment of explosives. Explosives or improvised devices must not be abandoned.

WAC 296-52-60090 Firearms. Firearms cannot be discharged at or against any:

- (1) Magazine;
- (2) Explosives manufacturing building;
- (3) Explosives material.

WAC 296-52-60095 Fire.

- (1) Magazines/buildings. Flame or flame producing devices must not be ignited within 50 feet of any magazine or explosives manufacturing building.
- (2) Explosives handling.
 - (a) All sources of fire or flame, including smoking and matches, are prohibited within one hundred feet of the blast site while explosives are being handled or used.
 - (b) Explosives must not be handled near:
 - (i) Open flames;
 - (ii) Uncontrolled sparks; or
 - (iii) Energized electric circuits.
- (3) Fire incident precautions. In the event of a fire:
 - (a) All employees must be removed to a safe area;
 - (b) The fire area must be guarded against intruders;
 - (c) The fire must not be fought where there is danger of contact with explosives.
 - (e)

WAC 296-52-60105 Notification--Blasting near utilities. Whenever blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph, and steam utilities, the blaster in charge must notify appropriate utility representatives:

- (1) At least 24 hours in advance of blasting.
- (2) Of the specific location and intended time of blasting.
- (3) To confirm the verbal notice with a written notice.

60100 missing

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Seems to be more exceptions to the rule than the rule. Subsurface for example, shouldn't be kept to daylight hours. Many other mining operations, DNR fire control and avalanche control may not be done solely in daylight hours.

MISCELLANEOUS

WAC 296-52-60115 Explosive industry employers. In addition to the requirements of this chapter:

- (1) Explosive industry employers must comply with other applicable DOSH requirements:
 - (a) Chapter [296-800](#) WAC, Safety and health core rules;
 - (b) Chapter [296-24](#) WAC, General safety and health standards;
 - (c) Chapter [296-62](#) WAC, General occupational health standards;
 - (d) Chapter [296-155](#) WAC, Safety standards for construction;
 - (e) Other industry specific standards that may apply.
- (2) Manufacturing employers of explosives or pyrotechnics must comply with DOSH safety standards for process safety management of highly hazardous chemicals, chapter [296-67](#) WAC.

WAC 296-52-60120 Variance from a chapter requirement. The director may approve a variance from a chapter requirement pursuant to RCW 49.17.080 or 49.17.090:

- (1) After an application for a variance is received;
- (2) After the department has conducted an investigation;
- (3) When conditions exist that make the requirement impractical to use, and
- (4) When equivalent means of protection are provided.

Note: Variance application forms may be obtained from and should be submitted to: Department of Labor and Industries, DOSH Services Division, Post Office Box 44650, Olympia, WA 98504-4650.

WAC 296-52-60125 Using standards from national organizations and federal agencies. To be in compliance with DOSH rules, the information provided in this section must be followed when safety and health standards from national organizations and federal agencies are referenced in DOSH rules.

- (1) The edition of the standard specified in the DOSH rule must be used.
- (2) Any edition published after the edition specified in the DOSH rule may be used.

Note: The federal and national consensus standards referenced in the DOSH rules are available through the issuing organization and the local or state library.

AS noted in the meeting only the employers that have employees are responsible to ensure that safety programs are in place to protect the worker.

Approved by group 4.3.18
*reinforces need for "hobbyist" definition

**PART B
EXPLOSIVE LICENSING**

Last Updated XXXXXXXXXXXX

WAC	Page
296-52-61005 Types of explosive licenses.	1
296-52-61010 License applicants must provide this information.	1
296-52-61015 License applicants must complete department forms.	1
296-52-61020 License fees.	2
296-52-61025 Verification of applicant information.	2
296-52-61030 Applicant participation.	3
296-52-61035 Criminal records.	3
296-52-61040 Reasons why applicants may be disqualified.	3
296-52-61045 License terms.	4
296-52-xxxxx Employee Possessor information.	
296-52-61050 License renewal.	4
296-52-62005 Responsibility to obtain a dealer's license.	4
296-52-62010 Dealer applicant information.	4
296-52-62025 Prohibit explosives items from sale or display in these areas.	4
296-52-62030 Container labeling.	5
296-52-62035 Authorized agent information.	5
296-52-62040 Verification of customer identity.	5
296-52-62045 Recordkeeping and reporting.	6
296-52-63005 Responsibility to obtain a purchaser's license.	6
296-52-63010 Applicant information.	7
296-52-63020 Authorized agents.	7
296-52-63025 Explosive order deliveries.	8
296-52-63030 Notify the department of blaster changes.	8
296-52-64005 Responsibility to obtain a blaster's license.	8
296-52-64020 General qualifications for blasters.	9
296-52-64030 List A qualifications.	10
296-52-64035 List B qualifications.	10
296-52-64040 List C qualifications.	11
296-52-64045 Application.	11
296-52-64050 Blaster license applicant information.	11
296-52-64055 Blaster license testing.	11
296-52-64065 Blaster license limits.	11
296-52-64075 Blaster license disclosure.	12
296-52-64080 Purchaser disclosure.	12
296-52-64085 Changes to a blaster's license classification.	12
296-52-64090 Blaster license renewal.	12
296-52-64095 List A and B renewal qualifications.	12
296-52-64100 List C renewal qualifications.	12
296-52-650 Manufacturer's license.	12
296-52-65005 Responsibility to obtain a manufacturer's license.	13
296-52-65010 Manufacturer applicant information.	13

296-52-65015	Manufacturing site inspections.	14
296-52-65020	Conditions of a manufacturer's license.	14
296-52-65025	Annual inspection.	14
296-52-65030	Site plan.	14
296-52-660	Storage license.	15
296-52-66005	Responsibility to obtain a storage license.	15
296-52-66010	Storage applicant information.	15
296-52-66015	Storage site inspections.	15
296-52-66020	Demonstration of handling and storage experience.	16
296-52-66030	Storage license number.	16
296-52-66035	Storage limit.	16
296-52-66040	Annual storage inspection.	16
296-52-66045	Mobile storage sites.	16
296-52-66050	Moving a licensed magazine.	16
296-52-66053	Altering or destroying a licensed magazine.	17
296-52-66057	Transfer, sale or lease of a magazine or mobile storage site.	17
296-52-66060	Reporting changes in conditions.	17

WAC 296-52-61005 Types of explosive licenses.

Type of License	Where to Look for Requirements
Dealers	WAC 296-52-620
Purchaser's	WAC 296-52-630
Blaster's	WAC 296-52-640
Manufacturers	WAC 296-52-650
Storage	WAC 296-52-660

WAC 296-52-61010 License applicants must provide this information.

- (1) Individual applicants must provide the following information to the department:
 - (a) Their name, address, social security number (RCW 26.23.150), date of birth, phone number and drivers license or state identification number. ~~and citizenship;~~
 - ~~(b) Their address; and~~
 - ~~(c) Their citizenship.~~
- (2) A partnership, association or corporation must provide:
 - (a) The name, address, ~~and citizenship~~ for each owner, partner or corporate officer;
 - (b) The name and address social security number (RCW 26.23.150), date of birth, phone number and drivers license or state identification number of the proposed responsible person.
- ~~(3) An must provide:~~
 - ~~(a) The name, address, and citizenship for each officer and director;~~
 - ~~(b) The name and address of the applicant.~~
- (4) Applicants must:
 - (a) Meet any license specific requirements;
 - ~~(b) Provide their Social Security number (RCW 26.23.150);~~
 - (c) Provide any information requested by the department before a new or renewal license will be issued.

Combine terms
Approved by group 4.3.18

Simplify terms and combine
Update to current required information
Approved by group 4.3.18

WAC 296-52-61015 License applicants must complete department forms.

- (1) Applications must be completed on department forms.
- (2) License application forms may be obtained from <http://www.lni.wa.gov/TradesLicensing/LicensingReq/Explosives/> and submitted to:
Department of Labor and Industries, ~~DOSH Services Division~~
Explosives Licensing
P O Box 44655
Olympia, WA 98504-4655.

Update to current references
Approved by group 4.3.18

Note: Purchaser and blaster license applications may also be obtained from explosive dealers or department service locations. (You will find a complete list of L&I service locations at www.lni.wa.gov.)

WAC 296-52-61020 License fees. Applicable license fees must be included with new or renewal explosives license applications.

Type of License	Fee
Dealer s License	50.00
Purchaser's License	25.00
Blaster s License	50.00
Manufacturer's License	50.00
Storage License	(See table below)

Explosive Materials STORAGE LICENSE FEES RCW 70.74.140 applies			
EXPLOSIVES	DETONATORS	FEE (for each magazine or mobile site)	
Maximum Weight (pounds) of explosives permitted in each magazine or mobile site.	Maximum Number of detonators permitted in each magazine or mobile site.	Annual	Permanent Storage License for Two Years
200	133,000	50.00	100.00
1,000	667,000	125.00	250.00
5,000	3,335,000	175.00	350.00
10,000	6,670,000	225.00	450.00
50,000	33,350,000	300.00	600.00
300,000	200,000,000	375.00	750.00

Note: License fees will not be refunded when a license is revoked or suspended for cause.

WAC 296-52-61025 Verification of applicant information. The department will verify license application statements before an explosives license is issued.

WAC 296-52-61030 Applicant participation.

- (1) Applicants must cooperate and assist the department in all aspects of the application review.
- (2) Applicants must provide all information requested by the department to:
 - (a) Verify application statements;
 - (b) Help with any questions.
- (3) Applicants must furnish their fingerprints to the department ~~on department forms~~.
Fingerprinting and criminal history record information checks are required for management officials directly responsible for explosives operations.
- (4) Applicants must pay the fee to the department for processing the fingerprint card (RCW 70.74.360(1)).

Delete- FBI forms are used
Approved by group 4.3.18

WAC 296-52-61035 Criminal records. The Washington state patrol will provide any criminal records to the director upon request.

WAC 296-52-61040 Reasons why applicants may be disqualified.

- (1) Licenses will not be issued for the manufacture, retail sale or purchase of explosives to any applicant who is any of the following:
 - (a) Under twenty-one years of age;
 - (b) Convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
 - (c) Legally determined at the time of application to be:
 - (i) Mentally ill;
 - (ii) Insane;
 - (iii) Committed to a mental institution;
 - (iv) Incompetent due to any mental disability or disease at the time of application.

Note: The department will not reissue a license until competency has been legally restored.

- (d) ~~Physically ill or disabled, and cannot use explosives safely. Disqualifying disabilities may include, but are not limited to:~~
 - (i) ~~Blindness;~~
 - (ii) ~~Deafness;~~
 - (iii) ~~Epileptic or diabetic seizures or coma.~~

Pending proposed legislation. If not passed will be changed to state
A violent offense as defined in RCW 9.94A.030
A crime involving perjury or false swearing, including the making of a false affidavit or statement under oath to the department of labor and industries in an application or report;
A crime involving bomb threats;
A crime involving a schedule I or II controlled substance, or any other drug or alcohol related offense, unless such other drug or alcohol related offense does not reflect a drug or alcohol dependency. (with note)
Approved by group 4.3.18

This is about blasters and is moved to that section
Approved by group 4.3.18

Note: The department will not reissue a license until the applicant's physical ability is verified by a qualified physician through the appeal process (WAC 296-52-60065, Violation appeals). '

- (e) Whose license is suspended or revoked, except as provided in this section; '
 - (f) Does not provide proof of a valid explosive license or permit issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF);
 - (g) Who is an alien, unless:
 - (i) There lawfully admitted for permanent residence; and
 - (ii) There in lawful nonimmigrant status;
 - (h) Who has been dishonorably discharged from the United States armed forces;
 - (i) Who has renounced their citizenship from the United States;
- (2) A license will not be issued if the applicant is denied a receiver or employee possessor ' designation by ATF. '

WAC 296-52-61045 License terms. All licenses, including storage licenses, are valid for one year from the date of issue, unless revoked or suspended by the department prior to the expiration date.

WAC 296-52-61050 License renewal. An explosives license must be renewed before the expiration date of the license.

WAC 296-52-xxxxx Employee Possessor information. Any licensee must provide a list of people authorized to act on their behalf (including licensed blasters) with regards to explosives with the following information:

- (1) Name;
- (2) Address;
- (3) Driver s license number or valid identification;
- (4) Social Security number (as required by RCW 26.23.150);
- (5) Place of birth;
- (6) Date of birth.
- (7) The ATF Permit listing the person as an Employee Possessor

Note: For organizations not subject to ATF oversight Employee Possessors must be cleared by L&I.

- (8) Licensees must notify any dealer they plan to purchase or order explosive materials from of their employee possessors prior to placing the order.
- (9) Licensees must make sure the dealer's and department's employee possessor lists are updated as changes occur, within 3 business days of change.

Delete- this is not consistent with state law

Approved by group 4.3.18

Pending legislation, or it will be deleted. Not current state law

Approved by group 4.3.18

Pending Legislation

Approved by group 4.3.18

New section to consolidate information at the front

*exempt smokeless powder

Approved by group 4.3.18

DEALER'S LICENSE

WAC 296-52-62005 Responsibility to obtain a dealer s license. Any person, firm, partnership, corporation, or public agency wanting to purchase explosives (including black powder and blasting agents) for resale, must have a valid dealer's license issued by the department and a valid license or permit issued by the ATF.

WAC 296-52-62010 Dealer applicant information. The dealer applicant must:

- (1) Give the reason they want to participate in the business of dealing in explosives.
- (2) Provide information required by WAC 296-52-61010, License applicants must provide this information.
- (3) Provide other pertinent information required by the department.

WAC 296-52-62025 Prohibit explosives items from sale or display in these areas. Explosives, improvised devices, or blasting agents cannot be sold, displayed, or exposed for sale on any:

- (1) Highway;
- (2) Street;
- (3) Sidewalk;
- (4) Public way; or
- (5) Public place.

WAC 296-52-62030 Container labeling. Any package, cask, or can containing any ' explosive, nitroglycerin, dynamite, or black and/or smokeless powder put up for sale or ' delivered to any warehouse worker, dock, depot, or common carrier, must be properly ' labeled with its explosive classification. '

~~**WAC 296-52-62035 Authorized agent information.** A dealer must make sure the purchaser provides a list of people on their authorized agent list with the following information:~~

- ~~(10) Name;~~
- ~~(11) Address;~~
- ~~(12) Driver's license number or valid identification;~~
- ~~(13) Social Security number (as required by RCW 26.23.150);~~
- ~~(14) Place of birth;~~
- ~~(15) Date of birth;~~

WAC 296-52-62040 Verification of customer identity.

- (1) Orders.
 - (a) An order for explosives can be placed:
 - (i) In person;
 - (ii) By telephone; or

Delete here- move to front

Approved by group 4.3.18

- (iii) In writing.
- (b) The dealer must receive proper authorization and identification from the person placing the order to verify the person is either the:
 - (i) Purchaser; or
 - (ii) Purchaser's ~~authorized agent~~ verified employee possessor.

Note: This requirement does not apply to licensed common carrier companies when the common carrier:

1. *Is transferring explosive materials from the seller to the purchaser; and*
2. *Complies with the transfer practices of the state and federal U.S. DOT regulations.*

Replace term
Approved by group 4.3.18

- (2) Deliveries. The dealer must:
 - (a) Not distribute explosive materials to an unauthorized person;
 - (b) Make sure the recipient is the purchaser or the purchaser's ~~authorized agent~~ employee possessor;
 - (c) Verify the recipient's identity from a photo identification card (for example, driver's license);
 - (d) Obtain the:
 - (i) Purchaser's magazine license number when explosives are delivered to a storage magazine;
 - (ii) Legal signature of the purchaser or the purchaser's ~~authorized agent~~ employee possessor on a receipt documenting the explosives were received.

Replace term
Approved by group 4.3.18

Replace term
Approved by group 4.3.18

WAC 296-52-62045 Recordkeeping and reporting.

- (1) Sale documentation. A dealer must document the following information when an explosive materials order is placed. A dealer's record must include the:
 - (a) Date explosive materials were sold;
 - (b) Purchaser's name and license number;
 - (c) Name of the person authorized by the purchaser to physically receive the explosive materials;
 - (d) Kind of explosive materials sold;
 - (e) Amount of explosive materials sold;
 - (f) Date code.

Note: Black powder sales less than five pounds are not required to be reported to the department.

- (2) Retention of records and receipts. Dealers must keep:
 - (a) Signed receipts for a minimum of one year from the date explosives were purchased;
 - (b) Records of explosives purchased and sold for a minimum of five years.

- (3) Monthly report.
 - (a) A monthly report of the dealer's records must be submitted to the department at the following address:
Department of Labor and Industries
Explosives Licensing
P O Box 44655 Olympia, WA '
98504-4655 '
Or '
ExplosivesLicensing@lni.wa.gov
 - (b) Dealer records must be received by the 10th day of each month.

Update to current
Approved by group 4.3.18

PURCHASER'S LICENSE

WAC 296-52-63005 Responsibility to obtain a purchaser's license. Any person, firm, partnership, corporation, or public agency wanting to purchase explosives or blasting agents must have a valid purchaser's license or permit issued by the department and a valid license issued by the ATF.

WAC 296-52-63010 Applicant information. Applicants must provide the following information to the department:

- (1) The reason explosives or blasting agents will be used;
- (2) The location where explosives or blasting agents will be used;
- (3) The kind of explosives or blasting agents to be used;
- (4) The amount of explosives or blasting agents to be used;
- (5) An explosives storage plan:
 - (a) Documenting proof of ownership of a licensed storage magazine; or
 - (b) With a signed authorization to use another person's licensed magazine; or
 - (c) With a signed statement certifying that the explosives will not be stored.
- (6) An authorized agent employee possessor list, if the purchaser chooses to authorize others to order or receive explosives on their behalf.
- (7) The identity and current license of the purchaser's blasters and employee possessors.
- (8) Information required by WAC 296-52-61010, License applicants must provide this information.
- (9) Any other pertinent information requested by the department.

Replace term
Approved by group 4.3.18

redundant
Approved by group 4.3.18

~~WAC 296-52-63020 Authorized agents.~~

- ~~(1) Required information. The purchaser must provide the following written information for people on their authorized agent list:
 - ~~(a) Legal name;~~
 - ~~(b) Address;~~
 - ~~(c) Driver's license number or other valid identification;~~
 - ~~(d) Date of birth;~~~~

~~(e) Place of birth.~~

~~(2) List distribution. The purchaser must provide a current authorized agent list to:~~

~~(a) The department when applying for a new or renewal license;~~

WAC 296-52-63025 Explosive order deliveries.

- (1) Receiver identification. Any person receiving explosives purchased from a dealer must:
 - (a) Provide proper identification and prove to the satisfaction of the dealer that they are:
 - (i) The purchaser;
 - (ii) Their authorized agent.
 - (b) Sign their legal signature on the dealer's receipt.
- (2) Delivery locations. Explosives must be delivered into:
 - (a) Authorized magazines;
 - (b) Approved temporary storage; or
 - (c) Handling areas.

~~WAC 296-52-63030 Notify the department of blaster changes. The purchaser must:~~

~~(1) Notify the department when the licensed blaster changes.~~

~~(2) Provide their current blaster's license number to the department.~~

**USERS (BLASTER'S)
LICENSE**

WAC 296-52-64005 Responsibility to obtain a Users (Blaster s) license.

(1) No one may conduct a blasting operation without a valid blaster s license issued by the department.

Note: A blaster's license is not required for a "hand loader."

- (2) Blaster's license classifications table. The following information shows classification ' for blasting licenses. '
 - (a) Classification list assignment. Classification list assignment is determined by the use of single or multiple series charges; and the knowledge, training, and experience required to perform the type of blasting competently and safely.
 - (b) Multiple list applications. When an applicant wants to apply for multiple classifications and the classifications desired are from two or more classification table lists:
 - (i) All classifications must be requested on the application;
 - (ii) Qualifying documentation for all classifications being applied for must be included in the applicant's resume (WAC 296-52-64050, Applicant information). Training and experience may fulfill qualification requirements in multiple classifications.
 - (c) Request classifications not lists. Applicants must request specific classifications (not

consolidated at front with new term
Approved by group 4.3.18

Consolidated at the front
Approved by group 4.3.18
Ensure that terms are used interchangeably
Approved by group 4.3.18

list designations) on their blaster application. Licenses are not issued or endorsed for Classification Table lists A, B, or C.

- (d) License additions. To add a classification to an existing license, see WAC 296-52-64085, Changes to a blaster's license classification.

License Classifications Table					
LIST A		LIST B		LIST C	
AG	Agriculture	AB	Aerial Blasting	BT	Bomb Technician*
AV	Avalanche Control	DE	Demolition	UL	Unlimited*
ED	Explosives Disposal*	SB	Surface Blasting*		
FO	Forestry*	UB	Underground Blasting		
LE	Law Enforcement*	UW	Underwater Blasting		
IO	Industrial Ordinance				
SE	Seismographic				
TS	Transmission Systems				
WD	Well Drilling				

Detailed classification information.

- (e) Aerial blasting. Will require experience and passing aerial blasting test.
- (f) Bomb technician. Disposal of bombs, illegal fireworks and explosive devices.
- (g) Explosives disposal. Disposal of explosive materials by licensed blasters.
- (h) Forestry. Includes logging, trail building, and tree topping.
- (i) Law enforcement. Diversionary devices, explosive detection K-9 dog handlers, crowd control devices (stingers) requires taking a handlers test. Tactical entry (breaching) requires taking the tactical entry test.
- (j) Surface blasting. Includes construction, quarries, and surface mining.
- (k) Unlimited. Includes all classifications except underground blasting and law enforcement.

WAC 296-52-64020 General qualifications for blasters.

- (1) Physical condition. An applicant must be in good physical condition. They cannot be physically ill or disabled to the point they cannot use explosives safely. Disqualifying disabilities may include, but are not limited to:
 - (a) Blindness;
 - (b) Deafness;
 - (c) Epileptic or diabetic seizures or coma.
- (2) Drug use. An applicant cannot be addicted to narcotics, intoxicants, or similar types of drugs.

Higher skill move to list B
Tentatively approved by group 4.3.18
*Add "hobbyist" to List A

Pending LE group input
Further discussion necessary as of 4.3.18

Note: This rule does not apply to physician prescribed drugs and/or narcotics when taken as directed if their use will not place the blaster, or other employees in danger.

- (3) Knowledge, experience, and performance in transportation, storage, handling, and use of explosives. A blaster applicant must:
- (a) Have working knowledge of state and local explosives laws and regulations;
 - (b) Have adequate blaster training, experience, and knowledge.
 - (c) Be able to:
 - (i) Safely perform the type of blasting to be used; and
 - (ii) Recognize hazardous conditions.
 - (d) Be competent in the use of each type of blasting method to be used;
 - (e) Have the ability to understand and give written and oral directions.

WAC 296-52-64030 List A qualifications. To be considered for a blaster's license, limited to one or more List A classifications, an applicant must have a minimum of 40 hours documented training accrued during the previous 6 years.

- (1) The training must include a minimum of one of these three requirements:
- (a) 8 hours basic blaster safety classroom training and 32 hours classification specific field training experience under a qualified blaster;
 - (b) 16 hours basic blaster safety classroom training and 24 hours classification specific field training experience under a qualified blaster;
 - (c) 12 months classification specific field training experience.

WAC 296-52-64035 List B qualifications. To be considered for a blaster's license, which includes one or more List B classifications, the applicant must meet one of the following requirements listed below:

- (1) Eighteen months of documented blasting experience which includes a minimum of 12 months of documented experience in List A and 6 months documented blasting experience in each classification being applied for in List B;
- (2) Twelve months of documented blasting experience in the past 6 years in the specific ' classification being applied for in List B. '

Note: Up to 80 hours of classroom training may be substituted for experience.

- (3) Aerial blasting classification shall require:
- (a) Standard avalanche control blaster's license;
 - (b) Experience requirement of 5 missions under the supervision of a licensed aerial blaster;
 - (c) Successful completion of a written exam.

Note: Additional personnel on board with a standard avalanche control blaster's license may log each mission toward the aerial blasting endorsement experience requirement.

WAC 296-52-64040 List C qualifications.

- (1) Unlimited classification. To be considered for unlimited classification, the applicant must submit a detailed resume documenting:
 - (a) Experience in the majority of the classifications in Lists A and B;
 - (b) A minimum of 5 years of continuous full time blasting experience in the explosives industry where blasting has been the applicant's primary responsibility during the previous 5 years.
- (2) Bomb technician. To be considered for a bomb technician classification, the applicant must:
 - (a) Submit a copy of the certificate of graduation from the FBI Hazardous Devices School (HDS) basic course in Redstone, Alabama.
 - (b) Submit a copy of the applicant's FBI Bomb Technician Certification identification card. The FBI Bomb Technician Certification card must bear a date that indicates that it is current at the time of application.
 - (c) Submit a letter from the applicant's law enforcement agency's head (chief or sheriff) stating that the applicant is a full-time employee assigned to perform bomb technician duties as part of an FBI accredited bomb squad.

~~WAC 296-52-64045 Application.~~

WAC 296-52-64050 Blaster's license applicant additional information. An applicant for a blaster's license must provide the following information to the department:

- (1) The application must be signed by the blasting course instructor and/or the qualified blaster the applicant trained under;
- (2) A detailed resume of blasting training and experience;
- (3) Satisfactory evidence of competency in handling explosives;
- (4) Information required by WAC 296-52-61010, License applicants must provide this information.

Note: The department may request additional information for the classification being applied for upon review of a blaster's resume.

WAC 296-52-64055 Blaster's license testing. List A and B applicants must pass a written test prepared and administered by the department. List C applicants are exempt from testing.

WAC 296-52-64065 Blaster's license limits.

- (1) A blaster's license documents:

Remove- covered in the front

Approved by group 4.3.18

- (a) The classifications the blaster is authorized to perform;
 - (b) Any limitations imposed on the licensee.
- (2) The licensee cannot:
- (a) Perform blasting for which they are not licensed; or
 - (b) Exceed the limits specified on the license.

WAC 296-52-64075 Blaster's license disclosure. A blaster must provide their blaster's license and a valid identification card to the department or other law enforcement representatives upon request.

WAC 296-52-64080 Purchaser disclosure. A blaster may be required to verify the name of the explosives purchaser.

WAC 296-52-64085 Changes to a blaster's license classification. Additional blaster classifications may be added to a license. Applicants must:

- (1) Submit a detailed resume which documents blasting experience in the specific ' classification being applied for; '
- (2) Pass a written exam prepared and administered by the department.

~~WAC 296-52-64090 Blaster license renewal.~~ The following requirements are for license renewal:

- ~~(1) General applicant qualifications, WAC 296-52-64020, General qualifications, apply.~~
- ~~(2) Renewal qualifications include the requirements of WAC 296-52-64090 License renewal, through WAC 296-52-64100, List C renewal qualifications.~~
- ~~(3) Training, experience, and responsibility requirements must be accrued during the one year before the application is submitted.~~

WAC 296-52-64095 List A and B renewal. The following requirements for List A and B renewal qualifications must be accrued during the year before renewal:

- (1) ~~An application for a~~ license renewal must include documentation of:
 - (a) Blasting experience, by providing a minimum of one blast record; or
 - (b) Successful completion of 8 hours of basic blaster's classroom training. The blasting course instructor must witness the submitted documentation.
- (2) List A or B licensees who have not renewed their license for over one year must pass a written exam administered by the department.

WAC 296-52-64100 List C renewal. The following are requirements for List C renewal:

- (1) Unlimited classification. To be considered for a renewal of an unlimited license, the licensee must demonstrate they have maintained full-time blasting experience in the explosives industry, where blasting has been their primary responsibility during the last year.

Consolidated below

Approved by group 4.3.18

Remove

Approved by group 4.3.18

C

Approved by group 4.3.18

Consolidated

Approved by group 4.3.18

- (2) Bomb technician. To renew the bomb technician classification, a licensee must:
- (a) Have continuous employment as a law enforcement bomb technician during the previous year;
 - (b) Submit a copy of their FBI Bomb Technician Certification identification card bearing the name of the person and an expiration date that indicates that the card is current and valid as of the date of renewal;
 - (c) Submit a letter from the applicant’s law enforcement agency’s head (chief or sheriff) stating that the licensee is a full-time employee assigned to perform bomb technician duties as part of an FBI accredited bomb squad.

Note: If the licensee’s card has expired at the time of renewal, they need to show that they are enrolled in the next available course at Redstone, Alabama.

WAC 296-52-XXXXX Reciprocity.

The director may, upon receipt of an application, fee and successful fingerprint based background check, grant a User’s license of equivalent classification without testing to an applicant who is licensed in the following states or territories of the United States.

~~States/Territories granted reciprocity:~~

~~XXXXXX~~
~~XXXXXX~~
~~XXXXXX~~

The states and territories listed above have been determined to have testing and/or mentorship programs that meet or exceed Washington standards. If an individual believes that the state they licensed in has not been included in error, they may apply to the director to include the state or territory in this list. Sufficient evidence must be provided of testing and/or mentorship or apprenticeship requirements to allow this determination.

WAC 296-52-650 Manufacturer’s license.

WAC 296-52-65005 Responsibility to obtain a manufacturer’s license. Any person, firm, partnership, corporation, or public agency wanting to manufacture explosives or blasting agents, or use any process involving explosives as a component part in the manufacture of any device, article, or product must have a valid manufacturer’s license from the department and a valid permit or license issued by the ATF.

WAC 296-52-65010 Manufacturer applicant information. The manufacturer applicant must provide the following information to the department:

- (1) The reason the applicant wants to manufacture explosives.

updated
Approved by group 4.3.18

Per group discussion 4.3.18, decision made NOT to codify list. Instead, include statement such as “see list on website” so that rulemaking won’t be necessary to update.

New language and section. Removed “other countries”. Extensions to states is rational since ATF rules are common and this would bypass testing. Cannot bypass fingerprinting RCW 70.74.360
Approved by group 4.3.18

This is not asked, is it necessary?
Further discussion
necessary as of 4.3.18

- (2) The manufacturing or processing location.
- (3) The kind of explosives manufactured, processed, or used.
- (4) The distance that the explosives manufacturing building is located, or intended to be located, from other buildings, magazines, inhabited buildings, railroads, highways, and public utility transmission systems.
- (5) A site plan. The site plan must:
 - (a) Include the distance each manufacturing building is located from:
 - (i) Other buildings on the premises where people are employed;
 - (ii) Other occupied buildings on adjoining property;
 - (iii) Buildings where customers are served;
 - (iv) Public highways;
 - (v) Utility transmission systems.
 - (b) Demonstrate compliance with:
 - (i) Applicable requirements of the Washington State Explosives Act;
 - (ii) The separation distance requirements of this chapter.
 - (c) Identify and describe all natural or artificial barricades used to influence minimum required separation distances.
 - (d) Identify the nature and kind of work being performed in each building.
 - (e) Specify the maximum amount and kind of explosives or blasting agents to be permitted in each building or magazine at any one time.
- (6) Information required by WAC 296-52-61010, License applicants must provide this information.
- (7) Other pertinent information required by the department.

Delete, moved to the front

Approved by group 4.3.18

WAC 296-52-65015 Manufacturing site inspections.

- (1) The department will inspect all manufacturing or processing locations:
 - (a) Before they are placed in operation or service;
 - (b) Prior to licensing.
- (2) The department will schedule inspections:
 - (a) Once a complete application is received;
 - (b) At the earliest available and mutually agreeable date.

WAC 296-52-65020 Conditions of a manufacturer's license. The department will issue a license to the manufacturer applicant(s) provided:

- (1) The required inspection confirms that the site plan is accurate and the facilities comply with applicable regulations of the department.
- (2) The applicant(s) or operating superintendent and employees are sufficiently trained

and experienced in the manufacture of explosives.

- (3) Documentation of the training must be kept by the applicant for the duration of employment or licensing, whichever comes first.

[Redacted] New requirement, based on general safety training requirements of all employers in WA
[Redacted] Approved by group 4.3.18

WAC 296-52-65025 Annual inspection. The department will inspect manufacturing or processing locations annually.

WAC 296-52-65030 Site plan. The site plan must include:

- (1) A copy of the site plan and manufacturer's license must be posted in the main office of each manufacturing plant.
- (2) The site plan must be maintained and updated to reflect the current status of manufacturing facilities, occupancy changes, or other pertinent information.
- (3) Notify the department:
 - (a) When a significant change occurs in the site plan;
 - (b) When requesting consultation before changing operations if the change is of such nature or magnitude that compliance with requirements of this chapter is questionable.

WAC 296-52-660 Storage license.

WAC 296-52-66005 Responsibility to obtain a storage license. Any person, firm, partnership, corporation, or public agency wanting to store explosive materials must have a valid license from the department.

WAC 296-52-66010 Storage applicant information. Applicants must provide the following information to the department:

- (1) The address or a legal description of the existing or proposed magazine or mobile storage site must be clearly identified;
- (2) The reason explosive materials will be stored;
- (3) The kind of explosives or blasting agents that will be stored; '
- (4) The maximum quantity of explosive materials that are or will be stored; '
- (5) Identify the total weight, in pounds, of all explosive materials to be stored on site; '
- (6) The distance that the magazine is located or intended to be located from other ' magazines, inhabited buildings, explosives manufacturing buildings, railroads, highways, and public utility transmission systems; '

[Redacted] Not requested on the forms- is this needed?
[Redacted] Approved by group 4.3.18

- (7) How long the storage license is needed; '

[Redacted] Per group discussion 4.3.18, move to 66005

- (8) Information required by WAC 296-52-61010, License applicants must provide this information;

[Redacted] Delete. This is not asked for
[Redacted] Approved by group 4.3.18

- (9) Any other pertinent information requested by the department.

WAC 296-52-66015 Storage site inspections.

- (1) The department will inspect magazines, mobile-storage sites, and manufacturing plants:
 - (a) Before being placed in operation or service;
 - (b) Prior to licensing.
- (2) The department will schedule inspections:
 - (a) Once a complete application is received;
 - (b) At the earliest available and mutually agreeable date.

Note: See WAC 296-52-66040, Annual storage inspection, for mobile storage site qualifications.

WAC 296-52-66020 Demonstration of handling and storage experience.

Applicants, officers, agents, or employees involved in explosives activities by the applicant individual or organization, must demonstrate satisfactory experience in:

- (1) Handling explosives.
- (2) The storage requirements for any type of explosive materials to be stored.
- (3) Documentation of the training must be kept by the applicant for the duration of employment or licensing, whichever comes first.

WAC 296-52-66030 Storage license number. The storage license number must:

- (1) Be permanently affixed on the inside and outside of each storage magazine.
- (2) Stay with each magazine throughout its life.

WAC 296-52-66035 Storage limit. A storage license documents the storage limits imposed on the licensee. Storage cannot exceed the limits specified on the license.

WAC 296-52-66040 Annual storage inspection. Magazines, mobile storage sites, and manufacturing plants will be inspected annually.

WAC 296-52-66045 Mobile storage sites. Semi-trailers or other mobile facilities used to transport blasting agents on site or on highways are considered adequate for blasting agent storage, provided they meet:

- (1) U.S. DOT requirements for transportation of blasting agents.
- (2) The requirements of Table H-20, Table of Distances for Storage of Explosives with respect to inhabited buildings, passenger railways, and public highways. '
- (3) The requirements of Table H-22, Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents with respect to one another.

Updated term
Approved by group 4.3.18

New requirement, based on general safety training requirements of all employers in WA
Approved by group 4.3.18

WAC 296-52-66050 Moving a licensed magazine. Magazines are licensed only for a specific location. Their movements, whether full or not, must be verified by the department prior to any change.

- (1) When a magazine is moved the owner of the magazine must notify the department at least 10 days before the proposed move with:
 - (a) The license number of the magazine;
 - (b) The new location of the magazine.
- (2) A magazine may be moved on a job site within a reasonable distance from the original location stated on the application without notifying the department, provided the:
 - (a) New location complies with the requirements of this chapter and the Washington State Explosives Act;
 - (b) Magazine can be quickly located for an inspection.

Clarifying language
Approved by group 4.3.18
New requirement
Approved by group 4.3.18

WAC 296-52-66053 Altering or destroying a licensed magazine.

- (1) When a magazine is altered, the licensee must notify the department at least 10 days prior with:
 - (a) The license number of the magazine; '
 - (b) The specific alterations made to the magazine. '
- (2) When a magazine is planned to be destroyed, the licensee must notify the department with the license number of the magazine and an inspection made prior to destruction.

New requirement
Approved by group 4.3.18
Revised language for notification and inspection prior
Approved by group 4.3.18

WAC 296-52-66057 Transfer, sale or lease of a magazine or mobile storage site.

- (1) When a magazine or mobile storage site is leased, the owner of the magazine or mobile storage site must notify the department with:
 - (a) The magazine license number or site license number;
 - (b) The name of the individual or company leasing the magazine or mobile storage site.
- (2) When a magazine or mobile storage site is transferred or sold from one entity to another, the previous owner/licensee must notify the department with:
 - (a) The magazine license number or site license number;
 - (b) The date of the sale or transfer;
 - (c) The name of the individual or company to whom the magazine or mobile storage site was sold or transferred to;
 - (d) Who will be licensing the magazine or mobile storage site;
 - (e) The name of the contact person and phone number.
- (3) A new owner/licensee of a magazine or mobile storage site is responsible for the safe operation of the magazine or mobile storage site. They must also:
 - (a) Submit a magazine storage application to the department;

- (b) Pay the license fee for a minimum of one year.
- (c) Obtain a storage license prior to storing explosive materials in the magazine or at the mobile storage site.
- (4) All parties involved in the transfer, sale or lease of a magazine must comply with the conditions of magazine movement (296-52-66050).

[Redacted] New requirement
[Redacted] Approved by group 4.3.18

WAC 296-52-66060 Reporting changes in conditions. Any change in conditions around a magazine, mobile storage site, or manufacturing plant that could adversely affect compliance with any requirement of this chapter must be reported to the department within 3 business days of discovery. Examples of reportable changes include:

[Redacted] New requirement
[Redacted] Approved by group 4.3.18

- (1) Construction of occupied buildings.
- (2) Public utilities transmission systems.
- (3) Roads or railroads that have been built closer to the manufacturing plant or magazine.

WAC 296-52-xxxxx Emergency exceptions. If an emergency such as a natural disaster occurs, licensees may apply directly by the most appropriate means necessary to move magazines and or explosives to a safer location. Contact the nearest inspector by telephone or the main Explosives Licensing office at 360-902-5563/5569.

[Redacted] Proposed section
[Redacted] : Approved by group 4.3.18