

CHAPTER 190

EXPLOSIVES

Authority

N.J.S.A. 21:1A-128 et seq., specifically, 21:1A-131.

Source and Effective Date

R.2008 d.303, effective September 12, 2008.
See: 40 N.J.R. 2200(a), 40 N.J.R. 5818(a).

Chapter Expiration Date

Chapter 190, Explosives, expires on September 12, 2013.

Chapter Historical Note

Chapter 190, Explosives Permits and Fees, was adopted and became effective prior to September 1, 1969.

Chapter 190, Explosives, was adopted as R.1982 d.229, effective August 2, 1982, operative October 15, 1982. See: 13 N.J.R. 517(b), 14 N.J.R. 837(c). Pursuant to Executive Order No. 66(1978), Chapter 190, Explosives, expired on September 5, 1987.

Chapter 190, Explosives, was adopted as R.1988 d.16, effective January 4, 1988. See: 19 N.J.R. 1883(a), 20 N.J.R. 99(b). Pursuant to Executive Order No. 66(1978), Chapter 190, Explosives, expired on January 4, 1993.

Chapter 190, Explosives, was adopted as R.1993 d.72, effective February 1, 1993. See: 24 N.J.R. 4235(a), 25 N.J.R. 595(b).

Pursuant to Executive Order No. 66(1978), Chapter 190, Explosives, was readopted as R.1998 d.110, effective January 27, 1998. See: 29 N.J.R. 4624(a), 30 N.J.R. 847(a). As a part of R.1998 d.110, Subchapter 12, Administrative Penalties and Hearings, was adopted and former Subchapter 12, Standards and Publications Referred to in this Chapter, was recodified as Subchapter 13 by R.1998 d.110, effective March 2, 1998.

Chapter 190, Explosives, was readopted as R.2003 d.164, effective March 28, 2003. See: 35 N.J.R. 337(a), 35 N.J.R. 1670(b).

Chapter 190, Explosives, was readopted as R.2008 d.303, effective September 12, 2008. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

12:190-1.1 Title and citation

This regulation shall be known and may be cited as Chapter 190, Explosives of Title 12, N.J.A.C.

12:190-1.2 Purpose

The purpose of this chapter is to protect the public and property by establishing reasonable standards for the manufacture, sale, transportation, storage, use, possession and disposition of explosives.

Amended by R.1998 d.110, effective March 2, 1998.

See: 29 N.J.R. 4624(a), 30 N.J.R. 847(a).

Inserted references to possession and disposition.

12:190-1.3 Scope

(a) This chapter shall apply to every person who manufactures, sells, transports, stores, uses or possesses explosives, except as provided in (b) below.

(b) This chapter shall not apply to:

1. The military or naval forces of the United States or its allies, or the duly authorized militia of any state, nor to the police or fire departments of this State, providing the same are acting in their official capacity and in the performance of their public duties;

2. Transportation of explosives in interstate or intrastate commerce;

3. Model rocketry;

4. Employee safety subject to the Occupational Safety and Health Act, 29 USC 651 et seq.;

5. Fireworks subject to N.J.S.A. 21:2-1 through 21:2-7;

6. Small arms ammunition; and

7. Explosives in the forms prescribed by the official U.S. Pharmacopoeia, USPC-1980, 20th edition.

Amended by R.1988 d.16, effective January 4, 1988.

See: 19 N.J.R. 1883(a), 20 N.J.R. 99(b).

Administrative correction.

See: 29 N.J.R. 566(a).

Amended by R.1998 d.110, effective March 2, 1998.

See: 29 N.J.R. 4624(a), 30 N.J.R. 847(a).

Changed N.J.S.A. reference.

12:190-1.4 Documents referred to by reference

The availability of standards and publications referred to in this chapter is explained in N.J.A.C. 12:190-12.

12:190-1.5 Validity

Should any section, paragraph, sentence or word of this chapter be declared for any reason to be invalid, such decision shall not affect the remaining portions of this chapter.

12:190-1.6 Exceptions

In cases of practical difficulty or unnecessary hardship the commissioner may grant exceptions from this chapter provided that a request for such exceptions has been made in

writing. Exceptions shall only be granted when it is clearly evident that a satisfactory and safe condition is attained, but shall not be granted in any case where conflict would be created with mandatory requirements of the act.