



STATE OF NEW JERSEY

Department of Labor & INDUSTRY

Commissioner

Percy A. Miller, Jr.

AN ACT

relating to the
**Manufacture, Having, Keeping,
Storage, Sale, Transportation and use
of Explosives**

Chapter 27, Laws of 1941

Effective March 28, 1941

and

Amendatory Act

Chapter 109, Laws of 1946

Effective April 18, 1946

BUREAU OF EXPLOSIVES**Division of Engineering & Safety**C. GEORGE KRUEGER, *Deputy Commissioner*

Trenton, N. J.
November, 1946

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CHAPTER No. 27, LAWS OF 1941

AN ACT relating to explosives, prescribing rules and regulations for their manufacture, having, keeping, storage, sale, transportation and use, providing penalties for all violations of this act and empowering the Commissioner of Labor and the Bureau of Explosives of the Department of Labor to enforce the provisions of the act, and repealing chapter one of Title 21 of the Revised Statutes, excepting only sections 21:1-41, 21:1-42, 21:1-43, 21:1-44, 21:1-50 and 21:1-51 of the Revised Statutes. (See also same title of amendatory act.)

ARTICLE 1

DEFINITIONS

1. The term "explosive" whenever used in this act, shall be held to mean and include any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing, that an ignition by fire, by friction, by concussion, by percussion, or by detonator, of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb. The term "blasting caps," as used in this act, shall mean and include blasting caps, electric blasting caps, detonating or fulminating caps and detonators; "blasting caps" are explosives.

Nothing in this act shall refer to small arms ammunition.

2. A permit is the written or printed authority of the commissioner issued pursuant to this act to have, keep, possess, manufacture, store, sell, transport or use an explosive.

3. The term "magazine" as used herein shall mean any building or other structure used for the storage of explosives except a factory building.

4. The term "building" as used herein shall be held to mean and include only a building occupied in whole or in part, as a habitation for human beings, or any church, schoolhouse, railroad station, bus station, store, factory, office or other building or structure where people are accustomed to assemble, except buildings or structures on explosives plants.

ARTICLE 2

GENERAL REGULATIONS

5. The term "explosives plant" as used herein means and includes all lands, with the buildings situated thereon, used in connection with the manufacturing or processing of explosives or in which any process involving explosives is carried on, or the storage of explosives thereat, as well as any premises where explosives are used as a component part or ingredient in the manufacture of any article or device.

6. The term "factory building" as used herein shall be held to mean any building or other structure containing explosives (excepting magazines and rest houses), in which the manufacture of explosives or any processing involving explosives is carried on and any building where explosives are used as a component part or ingredient in the manufacture of any article or device.

7. The term "highway" as used herein shall be held to mean and include any public street, public alley, public road or navigable stream. Navigable streams shall be considered as only those streams capable of being used, in their ordinary condition or where improved by authorized agencies, as highways of commerce over which trade and travel are or may be conducted in the customary modes but shall not include streams that are not capable of navigation by barges, tug-boats and other large vessels.

8. The term "railroad" or "railway" whenever used herein shall be held to mean and include any steam, electric or other railroad which carries passengers for hire.

9. The term "public conveyance" whenever used herein shall be held to mean and include any vehicle which is carrying passengers for hire such as railroad car, street car, cab, bus, airplane or other vehicle.

10. The term "efficient artificial barricade" whenever used herein shall be held to mean an artificial mound or properly revetted wall of earth of a minimum thickness of not less than three (3) feet at the top.

11. The term "person" as used herein shall be held to mean any person; individual; firm; partnership, or the officers or agents thereof; corporation or the officers or agents of any corporation; companies, associations or societies, or the officers or agents thereof.

12. Words used in the singular shall include the plural and the plural the singular.

13. The term "sell" as used herein shall mean sell, offer or expose for sale, consign, lease or transfer in any manner.

14. The term "commissioner" as used herein shall mean the Commissioner of Labor or any of his authorized representatives.

15. It is prohibited for any person to manufacture, process, possess, have, keep, store, sell, discharge, transport, use or dispose of in any manner any explosives in this State, except in compliance with this act. It is prohibited for any person who has been convicted of a crime involving moral turpitude or is or has been disloyal to the United States, to manufacture, process, possess, have, keep, store, sell, discharge, transport, use or dispose of in any manner any explosives in this State. Permission may be obtained in writing from the commissioner for the manufacture or demonstration of explosives in experimental or analytical laboratories for the purpose of instruction or investigation. The commissioner may refuse permission when, in his discretion, a dangerous condition is found to exist.

16. It is prohibited for any person to discharge any explosives within this State for purposes other than (1) permissible blasting or permissible demolition operations, (2) testing or experimental investigations when such procedures are necessary in connection with the manufacture of explosives or for experimental purposes.

17. It is prohibited for any person to sell, give away or otherwise dispose of or to deliver any explosive to any person not in possession of a permit to have, keep, possess, manufacture, store, sell, transport or use explosives as required by this act.

18. No locomotive or other engine burning wood, coal or other substance, the use of which is likely to produce sparks, shall be operated upon or within explosives plants, unless the smokestacks or exhausts of said locomotives or other engines likely to produce sparks are first properly screened in an approved manner.

19. No person shall discharge any firearm at or against any magazine or factory building.

20. No person, except an official as authorized herein or a person authorized to do so by the owner thereof, or his agent, shall enter any explosives plant, factory building, magazine or car containing explosives in this State.

21. If at any time any governing body or other authority of any locality may know of any reason why a magazine or building in which explosives are used or kept (or are to be used or kept) is not or cannot be conducted in accordance with the provisions of this act and should not be permitted to operate, upon notifying the commissioner in writing, a hearing may be conducted by said commissioner to show cause why a license or permit should not be issued or revoked.

22. No employee or other person shall attempt to enter any explosives plant with matches or other flame-producing devices, except

electric incandescent flash lights, or with liquor or narcotics in his or her possession or control, or while under the influence of liquor or narcotics, or to partake of intoxicants or narcotics while within the plant, under penalty of misdemeanor.

The superintendent may authorize in writing any employee or other person to have approved safety matches in his possession, or to depart from the other provisions in section 22 of this act.

It shall be the duty of the superintendent or other person in charge of each plant included within this act to provide safety containers for matches at all entrances of said plant.

23. There shall be kept in the main office on the premises of each explosives plant a plan of said plant showing the location of all factory buildings and the distance they are located from other factory buildings where persons are employed and from magazines, and these plans shall at all reasonable times be open to inspection by duly authorized inspectors of the Department of Labor. Duplicate copies of such plans shall be filed with the commissioner. The superintendent of each plant shall upon demand of said inspector furnish the following information:

(a) The maximum amount and kind of explosive material which is or will be present in each building at one time.

(b) The nature and kind of work carried on in each building and whether or not said buildings are surrounded by natural or artificial barricades.

24. The sale of explosives within this State shall require identification of the purchaser or recipient, or both, and the keeping and filing of records of said sale by the seller or vendor, all in a manner that is satisfactory to the commissioner. The commissioner may require copies of records of said identification or sale, or both, to be forwarded to him, where, in his opinion, such action is necessary to effectuate the purposes of this act.

25. Such smokeless powders as do not come within the definition of an explosive shall, owing to their inflammable nature, be kept in the manner and under the conditions as provided herein.

26. The commissioner, guided by considerations of national defense and the defense of this State and by considerations of safety to life and limb of persons, and preservation of property shall make such rules and regulations, to have the force and effect of law, which may be required to facilitate the administration and enforcement of the provisions of this act.

ARTICLE 3

PERMITS

27. Separate and distinct permits shall be required concerning explosives, as follows, subject to the conditions specified in the act:

(1) To manufacture explosives, except that explosives plants that have been engaged in the manufacture of explosives prior to the passage of the act and have complied with the existing statutes of this State shall not require such a permit; provided, that there are neither changes in ownership or major physical characteristics. A notice of registration as required by the labor laws for manufacturing plants as provided in Title 34 of the Revised Statutes of the State of New Jersey must be posted in all explosives plants.

(2) To have, possess, keep or store any explosives.

(3) To sell any explosives.

(4) To transport explosives on highways, by motor truck or any other vehicle; provided, however, that a permit to transport explosives not in excess of either ten pounds of explosives or twenty blasting caps shall not be required by the holder of a valid limited agricultural permit to use explosives for blasting purposes; provided, further, that the vehicle used for the transportation of explosives over the highways complies with the requirements of this act.

(5) To use explosives for blasting operations.

(6) To use explosives for other than blasting operations.

28. Permits for the storage or sale of explosives shall not be issued for any building where the building or structure is lighted by any artificial means other than electricity; where any manufacturing processes are conducted except those provided for in this act or where the commissioner has expressly granted approval because of the installation of safeguards approved by him; or where paints, oils or varnishes are manufactured or kept for use or sale, unless paints, oils and varnishes are in original unbroken containers; where matches (other than approved safety matches), gasoline or other highly inflammable vapors are used, stored or kept for sale; where stoves or exposed flame are used in the part of the building where explosives are stored or offered for sale.

29. Permits and notices of registration shall not be transferable.

30. Permits shall be at all times readily available to inspection by any duly authorized members of the Department of Labor, State Police or local Police and Fire Department and shall be posted as directed by the commissioner.

31. Permits required by section 27 of this act shall not be issued for the possession of:

- (1) Liquid nitroglycerine.
- (2) Dynamite, except gelatine dynamite, containing over sixty per centum (60%) of liquid explosive ingredient.
- (3) Dynamite having an unsatisfactory absorbent or one that permits leakage of a liquid explosive ingredient under any conditions liable to exist during storage.
- (4) Nitrocellulose in a dry and uncompressed condition.
- (5) Fulminate of mercury in bulk in a dry condition and fulminate of all other metals in any condition except as a component of manufactured articles not hereinafter forbidden.
- (6) Explosive compositions that ignite spontaneously or undergo marked decomposition when subjected for forty-eight consecutive hours or less to a temperature of seventy-five degrees C.
- (7) New explosives until approved by the commissioner.
- (8) Explosives condemned by the commissioner.
- (9) Explosives not packed or marked in accordance with the requirements of the Inter-State Commerce Commission.
- (10) Explosives containing an ammonium salt and a chlorate.

Provided, that nothing in this section shall apply to normal operations and processings carried on in the manufacture of explosives on explosives plants, and that the prohibitions of subsections (1) to (10) inclusive of this section may be waived by the commissioner, where the interest of safety to life and limb and the preservation of property do not require said prohibitions.

In any action to be taken by the commissioner regarding subsections (7) and (8) of this section, he shall be guided by the findings of the Bureau of Explosives of the American Association of Railroads, the United States Bureau of Mines or other recognized authoritative agencies.

32. Permits to manufacture as required by section 31, subsection (1), of this act shall not be issued unless it has been established by the commissioner that there is complete compliance with all of the requirements of articles seven and eight of this act.

33. Permits to have, possess, keep or store as required by section 27, subsection (2), of this act shall not be issued unless it has been established by the commissioner that there is complete compliance with all of the requirements of articles eight and nine of this act; provided, however, that local county representatives of the Agricul-

tural Extension Service shall be empowered to issue annual limited agricultural permits to use explosives for blasting purposes, and procurement certificates in a manner prescribed by the commissioner as provided in section 41 and section 53. The commissioner shall, as soon as may be after receiving the application, cause an inspection to be made of the magazine, if then constructed, and in the case of a new magazine, or the removal of an existing magazine, as soon as may be after the same is found to be constructed or removed in accordance with the specifications provided in this act, and before any explosives may be stored therein the commissioner shall determine the amount of explosives that may be kept or stored in such magazines by reference to the quantity and distance table set forth in this act, and shall issue a permit to the person applying therefor, showing compliance with the provisions of this act, which permit shall set forth the character and maximum quantity of explosives that may be had, kept or stored in said magazine. Such permit shall be valid until cancelled for one or more of the causes hereinafter provided, and a facsimile copy of said permit shall be conspicuously posted on the inside of said magazine near the door. Whenever by reason of change in the physical conditions surrounding said magazine at the time of the issuance or renewal of the permit therefor, such as:

- (a) The erection of buildings nearer said magazine.
- (b) The construction of railroads nearer said magazine, or

(c) The opening for public travel of highways nearer said magazine; then, notice of said change or changes must be given in writing to the commissioner, and the amounts of explosives which may be lawfully had, kept or stored in said magazine must be reduced to conform to such changed conditions in accordance with the quantity and distance table, notwithstanding the permit, and the commissioner shall, after inspection, modify or cancel such permit in accordance with the changed conditions. Whenever any person to whom a permit has been issued keeps or stores in the magazine covered by such permit any quantity of explosives in excess of the maximum amount set forth in said permit, or whenever any person fails for thirty days to pay the annual license fee hereinafter provided after the same becomes due or otherwise violates any of the provisions of this act, the commissioner may cancel such permit. Whenever a permit is cancelled by the commissioner for any cause hereinbefore specified, the commissioner shall notify in writing the person to whom such permit is issued of the fact of such cancellation, and shall, in said notice, direct the removal of all explosives stored in said magazine within ten days from the giving of said notice. Failure to remove the explosives stored in said magazine within the time specified in said notice shall constitute a violation of this act.

34. Permits to sell as required by section 27, subsection (3), of this act shall not be issued unless it has been established by the commissioner that there is complete compliance with all of the requirements of this act.

35. Permits to transport as required by section 27, subsection (4), of this act shall not be issued unless it has been established by the commissioner that there is complete compliance with all the requirements of article ten of this act.

36. Permits to use as required by section 27, subsections (5) and (6), of this act shall not be issued unless it has been established by the commissioner that there is complete compliance with all the requirements of this act.

37. Permits as required by section 27, subsection (5), of this act shall be issued for maximum quantities of explosives to be shot in any one blast. Any unused explosives shall be returned to an approved magazine for which a permit has been issued.

38. Permits to use as required by section 27, subsection (6), of this act shall not be issued for a quantity of explosives in excess of fifty (50) pounds unless a greater quantity is authorized by the commissioner.

39. Permits shall be renewed annually beginning with July first, one thousand nine hundred and forty-one. Certificates of compliance issued for magazines before this act has gone into effect shall be void after June thirtieth, one thousand nine hundred and forty-one, unless previously cancelled as provided in this act. Fees for all permits required by this act shall terminate in effect on June thirtieth of each year.

ARTICLE 4

APPLICATION FOR PERMITS

40. Permit applications shall be furnished by the commissioner upon request.

41. The applicant for a permit shall, at his own expense, furnish the commissioner with any information the commissioner may require concerning the purpose for which the permit may be issued, as well as any other pertinent information, all in addition to that specified herein. The application must be accompanied by a fee in accordance with article six of this act. Applications by a person engaged in agricultural work for either limited agricultural permits to use explosives for blasting purposes or procurement certificates, or both, shall be made to the county representative of the Agricultural Extension Service on forms prescribed by the commissioner; any such person shall be known and recognized by the county representative of the Agricultural Extension Service in the county in which such person is actively engaged in agricultural work, in lieu of which photographs and fingerprints shall not be required.

42. An applicant for any permit shall furnish the following information and data on the proper application:

(1) For an individual; name, location of residence, occupation, photographs, fingerprints, citizenship,

(2) For firms, partnerships, corporations, et cetera—name of establishment; location of principal place of business; name and location of residence of such officers, directors, partners, and registered agents, as the commissioner may require, together with a statement of their citizenship; and the nature of the business.

43. All persons engaged in the manufacture of explosives, or any process involving explosives, or where explosives are used as a component part in the manufacture of any article or device, shall, before so engaging, make a report in writing, subscribed to by such person or his agent, to the commissioner, the report stating:

(1) Location of place of manufacture or processing,

(2) Kind of explosives manufactured, processed or used.

44. All persons engaging in keeping or storing explosives shall, before engaging in the keeping or storing of explosives, make a report in writing, subscribed to by such person, or his agent, to the commissioner, the report stating:

(1) The location of the magazine, or in case of the removal of any existing magazine, the proposed location of such magazine,

(2) The kind of explosives that are kept or stored, or intended to be kept or stored, and the maximum quantity that is intended to be kept or stored therein,

(3) The distance that such magazine is located, or intended to be located, from the nearest factory buildings, magazines, buildings, railroads and highways.

45. Any applicant requesting a permit to sell explosives shall furnish the commissioner with the following information:

(1) Location where it is desired to sell explosives with description of building,

(2) Estimated maximum quantity and kind of explosives to be sold.

46. Any applicant requesting a permit to transport explosives shall furnish the commissioner with such information regarding each vehicle and its operation as may be deemed necessary.

47. Any applicant requesting a permit to use explosives shall furnish the commissioner with the following information:

- (1) Location where it is desired to use explosives,
- (2) Estimated maximum quantity and kind of explosives to be used,
- (3) Experience qualifications to act as blaster or to supervise blasting operations;
- (4) Application to use explosives shall also be accompanied by the proper application for a permit to store explosives, if necessary, or evidence showing that such a permit has already been acquired, or is not necessary.

ARTICLE 5

INVESTIGATION BEFORE ISSUING PERMITS

48. Upon receipt of an application for a permit to manufacture any explosives in an explosives plant and before the permit is issued, the commissioner shall make or cause to be made an investigation for the purpose of ascertaining if the explosives plant complies with all the requirements of this act.

49. Upon receipt of an application for a permit to have, keep, possess, store, sell or otherwise dispose of, except use any explosives and before the permit is issued, the commissioner shall make or cause to be made an investigation for the purpose of ascertaining if the place where it is desired to have, keep, possess, store, or sell the explosives complies with all the requirements of this act.

50. Upon receipt of an application for a permit to transport explosives and before the permit is issued, the commissioner shall make or cause to be made an examination of the vehicle to be used for transporting explosives for the purpose of ascertaining if all the requirements of this act have been fulfilled.

51. Upon receipt of an application for a permit to use explosives and before the permit is issued, the commissioner shall examine, or cause to be examined, the qualifications of the applicant to use explosives. Such examination may be waived at the direction of the commissioner upon application for succeeding permits. The minimum qualifications shall be as follows:

- (1) Citizen of the United States of America,
- (2) Age shall be at least twenty-one years,
- (3) A reasonable understanding of the English language and ability to answer properly such relevant questions as may be asked him upon his examination, which may be a written examination.
- (4) Furnish satisfactory evidence of experience in using explosives and be familiar with the general requirements of this act.

52. Upon receipt of an application for a permit to perform any of the operations governed by this act, the commissioner shall make or cause to be made, in the most practicable manner, an investigation for the purpose of ascertaining if the person applying for such permit has been convicted of a crime involving moral turpitude or is or has been disloyal to the United States. Any person who has been convicted of a crime involving moral turpitude or is or has been disloyal to the United States shall be denied a permit and shall be subject to the penalties herein provided.

ARTICLE 6

GRANTING OF PERMITS

53. If the results of the investigation of the commissioner are found to be in conformity with the requirements of this act, the commissioner shall issue the permit for which an annual fee shall be payable to the Commissioner of Labor, said fees to be based on the following schedule:

(1) Permit for each location to manufacture, possess, store, keep or otherwise dispose of, except sell or use explosives—not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00), as provided by regulation; provided, however, that no fee shall be paid for the storage of not more than fifteen pounds of explosives or thirty blasting caps or both, by any person to whom a limited agricultural permit to use explosives for blasting purposes has been issued; and provided further, that the fee for the storage of between more than fifteen pounds and not more than one hundred pounds of explosives, or between more than thirty and not more than one hundred blasting caps shall be one dollar (\$1.00).

(2) Permit to sell explosives—not less than one dollar (\$1.00) nor more than twenty-five dollars (\$25.00), as provided by regulation.

(3) Permit per vehicle to transport explosives—not less than one dollar (\$1.00) nor more than five dollars (\$5.00), as provided by regulation; provided, however, that no fee shall be paid for the transportation of either not more than ten pounds of explosives or twenty blasting caps by any person to whom a limited agricultural permit to use explosives for blasting purposes has been issued.

(4) Permit to use explosives—five dollars (\$5.00); provided, however, that a fee of one dollar (\$1.00) shall be paid to the commissioner for a limited agricultural permit to use explosives for blasting purposes. Such limited agricultural permits shall be issued only to persons actively engaged in agriculture and only by the local county representative of the Agricultural Extension Service of the county in which such person are known by the said local county representative to be actively engaged in agricultural

work. The said county representative shall refuse to issue any such aforesaid permit to any other person. Limited agricultural permit forms shall be furnished by the commissioner to the county representative and then only when requested. Copies of all such permits shall be forwarded to the commissioner by the said county representatives immediately after issuance and in a manner as prescribed by the commissioner. Procurement certificates shall be issued by the local county representative of the Agricultural Extension Service on a form and in a manner prescribed by the commissioner to any known and recognized holder of a limited agricultural permit to use explosives for blasting purposes and shall entitle such holder to procure at one time not more than ten pounds of explosives or twenty blasting caps or both from any person who is in possession of a valid permit to sell explosives. The seller of explosives shall return the procurement certificate to the county representative of the Agricultural Extension Service who issued the certificate, promptly after each sale.

54. If permit is denied, fee shall be refunded, except that there shall be no refund where applicant for permit to use explosives has failed to meet with the requirements of section 51 of this act.

55. The annual fee for any permit shall also be construed to be payable for the period between the effective date of this act and June thirtieth, one thousand nine hundred and forty-one, and renewal be payable annually in advance on or before July first of each year.

ARTICLE 7

MANUFACTURE OF EXPLOSIVES

56. Notwithstanding anything to the contrary in this act, all explosives plants and factory buildings shall come under the jurisdiction of the commissioner in accordance with the provisions of Title 34 of the Revised Statutes of the State of New Jersey.

57. Before a notice of registration and permit are issued together or separately by the commissioner, a plan of the explosives plant shall be submitted to the commissioner in triplicate for approval and be approved by him. The plan of said plant shall show the location of, all factory buildings, the distance they are located from other factory buildings where persons are employed and from magazines and any other information that the commissioner may require. An approved copy of said plan shall be kept in the main office on the premises of each explosives plant and shall be open to inspection by the commissioner.

58. All persons engaged in keeping, using or storing any compound, mixture or material, in wet condition, or otherwise, which

upon drying out or undergoing other physical changes, may become an explosive within the definition of this act, shall report such material to the commissioner and obtain a permit in the manner prescribed in this act for the storage of explosives; such reports to contain:

- (a) The kind of compound, mixture or material kept or stored, and maximum quantity thereof.
- (b) Condition or state of compound, mixture or material.
- (c) Place where kept or stored.

The commissioner may at any reasonable time cause an inspection to be made to determine whether the condition of the compound, mixture or material is as reported.

59. All persons engaged in the keeping or storing of smokeless powder shall report such material to the commissioner and obtain a permit in the manner prescribed in this act. Such reports to contain:

- (a) The location of the storage of smokeless powder.
- (b) The kind and maximum quantity of smokeless powder to be kept or stored.
- (c) The distance that such smokeless powder storage is located from buildings, railroads and highways.

The commissioner may at any reasonable time cause an inspection to be made, to determine whether the smokeless powder storage is maintained in compliance with this act.

ARTICLE 8

QUANTITY AND DISTANCE TABLES

60. All factory buildings shall be located one from the other and from other buildings on explosives plants in which persons are regularly employed and all magazines shall be located from factory buildings and buildings on explosives plants in which persons are regularly employed, in conformity with the Intra-Explosives Plant Quantity and Distance Table below set forth:

TABLE NO. 1

INTRA-EXPLOSIVES PLANT QUANTITY AND DISTANCE TABLE

Quantity of Explosives Pounds		Distance in Feet	
Pounds Over	Not Over	Unbarricaded	Barricaded
10	25	40	20
25	50	60	30
50	100	80	40
100	200	100	50
200	300	120	60
300	400	130	65
400	500	140	70
500	750	160	80
750	1,000	180	90
1,000	1,500	210	105
1,500	2,000	230	115
2,000	3,000	260	130
3,000	4,000	280	140
4,000	5,000	300	150
5,000	6,000	320	160
6,000	7,000	340	170
7,000	8,000	360	180
8,000	9,000	380	190
9,000	10,000	400	200
10,000	12,500	420	210
12,500	15,000	450	225
15,000	17,500	470	235
17,500	20,000	490	245
20,000	25,000	530	265
25,000	30,000	560	280
30,000	35,000	590	295
35,000	40,000	620	310
40,000	45,000	640	320
45,000	50,000	660	330
50,000	55,000	680	340
55,000	60,000	700	350
60,000	65,000	720	360
65,000	70,000	740	370
70,000	75,000	770	385
75,000	80,000	780	390
80,000	85,000	790	395
85,000	90,000	800	400
90,000	95,000	820	410
95,000	100,000	830	415
100,000	125,000	900	450
125,000	150,000	950	475
150,000	175,000	1,000	500
175,000	200,000	1,050	525
200,000	225,000	1,100	550
225,000	250,000	1,150	575

Note: Ten (10) pounds or less may be stored in a separate building or in storage space properly separated by substantial dividing walls.

61. All factory buildings and magazines in which explosives are had, kept or stored must be located at distances from buildings, railroads, and highways in conformity with the following quantity and distance table, and this table shall be the basis on which applications for a permit, as provided in this act, shall be made and the permit issued; provided, that the quantity and distance table may be disregarded and a permit may be issued for two Class B magazines in any building not otherwise prohibited by law, if the contents and location of the magazines are as follows:

(a) One Class B magazine containing not more than fifty (50) pounds of explosives may be allowed if the Class B magazine is placed on wheels, and located not more than ten (10) feet from and on the same floor with and directly opposite to the entrance on the floor nearest to the street level;

(b) One Class B magazine containing not more than five thousand (5,000) blasting caps may be allowed if the said Class B magazine is placed on wheels and located on the floor nearest street level.

The quantity and distance table governing the manufacture, keeping, and storage of explosives is as follows:

TABLE NO. 2
QUANTITY AND DISTANCE TABLE

Quantity that May be Had, Kept or Stored						
Blasting Caps		Other Explosives		Distance in Feet From Nearest		
Number Over	Number Not Over	Pounds Over	Pounds Not Over	Building	Railway	Highway
1,000	5,000	.....	.....	30	20	10
5,000	10,000	.....	.....	60	40	20
10,000	20,000	.....	.....	120	70	35
20,000	25,000	.....	50	145	90	45
25,000	50,000	50	100	240	140	70
50,000	100,000	100	200	360	220	110
100,000	150,000	200	300	520	310	150
150,000	200,000	300	400	640	380	190
200,000	250,000	400	500	720	430	220
250,000	300,000	500	600	800	480	240
300,000	350,000	600	700	860	520	260
350,000	400,000	700	800	920	550	280
400,000	450,000	800	900	980	590	300
450,000	500,000	900	1,000	1,020	610	310
500,000	750,000	1,000	1,500	1,060	640	320
750,000	1,000,000	1,500	2,000	1,200	720	360
1,000,000	1,500,000	2,000	3,000	1,300	780	390
1,500,000	2,000,000	3,000	4,000	1,420	850	420
2,000,000	2,500,000	4,000	5,000	1,500	900	450
2,500,000	3,000,000	5,000	6,000	1,560	940	470
3,000,000	3,500,000	6,000	7,000	1,610	970	490
3,500,000	4,000,000	7,000	8,000	1,660	1,000	500
4,000,000	4,500,000	8,000	9,000	1,700	1,020	510
4,500,000	5,000,000	9,000	10,000	1,740	1,040	520
5,000,000	7,500,000	10,000	15,000	1,780	1,070	530
7,500,000	10,000,000	15,000	20,000	1,950	1,170	580
10,000,000	12,500,000	20,000	25,000	2,110	1,270	630
12,500,000	15,000,000	25,000	30,000	2,260	1,360	680
15,000,000	17,500,000	30,000	35,000	2,410	1,450	720
17,500,000	20,000,000	35,000	40,000	2,550	1,530	760
.....	.....	40,000	45,000	2,680	1,610	800
.....	.....	45,000	50,000	2,800	1,680	840
.....	.....	50,000	55,000	2,920	1,750	880
.....	.....	55,000	60,000	3,030	1,820	910
.....	.....	60,000	65,000	3,130	1,880	940
.....	.....	65,000	70,000	3,220	1,940	970
.....	.....	70,000	75,000	3,310	1,990	1,000
.....	.....	75,000	80,000	3,390	2,040	1,020
.....	.....	80,000	85,000	3,460	2,080	1,040
.....	.....	85,000	90,000	3,520	2,120	1,060
.....	.....	90,000	95,000	3,580	2,150	1,080
.....	.....	95,000	100,000	3,630	2,180	1,090
.....	.....	100,000	125,000	3,670	2,200	1,100
.....	.....	125,000	150,000	3,800	2,280	1,140
.....	.....	150,000	175,000	3,930	2,360	1,180
.....	.....	175,000	200,000	4,060	2,440	1,220
.....	.....	200,000	225,000	4,190	2,520	1,260
.....	.....	225,000	250,000	4,310	2,590	1,300

62. Whenever a factory building or magazine is effectively screened in an approved manner from another explosives plant building or magazine, building, railroad or highway, either by natural features of the ground, or by efficient artificial barricade of such height that any straight line drawn from the top of any sidewall of the factory building or magazine to any part of the explosives plant building, magazine or building to be protected, will pass through such intervening natural or artificial barricade, and any straight line drawn from the top of any sidewall of the factory building or magazine, to any point twelve (12) feet above the center of the railroad or highway to be protected, will pass through such intervening natural or artificial barricade, the applicable distances as prescribed by the quantity and distance table, section 61 of this act, and the intra-plant quantity and distance table, section 60 of this act, and the distances separating magazines, section 80 of this act, may be reduced one-half. The efficacy of all natural or artificial barricades shall be approved by the commissioner.

63. No quantity in excess of two hundred and fifty thousand (250,000) pounds of explosives, or in the case of blasting caps no number in excess of twenty million (20,000,000) blasting caps, shall be had, kept or stored in any factory building or magazine in this State. It shall be unlawful to store in any magazine more than thirty thousand (30,000) pounds of any explosive, unless packed in containers, as provided in this act.

64. Smokeless powders shall be kept or stored at distances from buildings, railroads and highways in compliance with the following table:

Quantities that May Be Kept or Stored		Distance in Feet From Nearest Buildings, Railways, Highways, Smokeless Powder Storehouses	
Pounds Over	Pounds Not Over	Feet	Feet
100	1,000	50	25
1,000	5,000	75	35
5,000	10,000	100	50
10,000	50,000	150	75
50,000	100,000	200	100
100,000	200,000	250	125
200,000	300,000	300	150
300,000	400,000	350	175
400,000	500,000	400	200

Where smokeless powder is not in containers, the above distances shall be doubled.

No quantity in excess of five hundred thousand (500,000) pounds, packed in containers, and three hundred thousand (300,000) pounds in bulk shall be kept or stored in any one storehouse.

The commissioner may allow deviation from the above distances where smokeless powder is kept constantly under water.

ARTICLE 9

STORAGE OF EXPLOSIVES

65. All explosives shall be stored in a magazine complying with the requirements of this act; provided, that such explosives may be transported or used as permitted by this act.

66. Magazines shall not be provided with artificial heat or light, except approved portable electric safety battery lamps may be used for lighting.

67. All magazines shall be kept closed and locked except when necessarily opened for the purpose of storing or removing explosives therein or therefrom or for inspections, by persons lawfully entitled to enter same.

68. All magazines shall be in charge of a competent person who shall be at least twenty-one years of age and a citizen of the United States. Only authorized persons shall have access to the magazine.

69. No fire or open flame of any kind shall be permitted within twenty-five (25) feet of a magazine at any time.

70. Smoking shall not be permitted in, or within one hundred (100) feet, of a magazine.

71. The commissioner is hereby authorized to refuse to license magazines which, in his judgment, are unsuited for the storage of explosives. The commissioner may require plans for magazines to be submitted for approval and approved before magazines are constructed and used.

72. Smokeless powder in approved tightly woven bags may be stored in rest houses when no operations other than storage are involved, in accordance with magazine limitations. Except only at a factory building, and except while being used, no person shall have, keep or store explosives at any place within this State unless such explosives are completely enclosed or encased in tight metallic, wooden or fibre containers, and, except while being transported, or used, or in the custody of a common carrier awaiting shipment or pending delivery to consignee during the time permitted by Federal law, explosives shall be kept and stored in a magazine constructed and operated as provided herein, and no person having explosives in his possession or control shall, under any circumstances, permit or allow any grains or particles to be or remain on the outside or about the containers in which such explosives are held. All containers in which explosives are held shall be plainly marked with the name of the explosive contained therein.

73. All Class B and Class C magazines for explosives shall be painted red.

74. No package of explosives shall at any time be opened in or within fifty (50) feet of any magazine nor shall any explosive be kept therein except in the original containers.

75. No blasting caps shall be kept or stored in any magazines in which other explosives are kept or stored.

76. Magazines shall be of three classes only; Class A, Class B and Class C.

77. Class A (permanent storage) magazines shall consist of those with a capacity exceeding fifty (50) pounds of explosives or more than five thousand (5,000) blasting caps. Class A magazines shall be of design approved by the commissioner. Each magazine location shall be conspicuously posted with signs with the words "Explosives--Keep Off" legibly painted in contrasting colors in letters not less than six inches high.

78. Class B (dealer) magazines shall be of design approved by the commissioner, and shall be restricted to a storage not exceeding fifty (50) pounds of explosives nor more than five thousand (5,000) blasting caps. Upon each magazine there shall at all times be kept conspicuously posted a sign with the words "Explosives--Dangerous" legibly painted thereon with white paint, and not more than two (2) such magazines shall be had or kept in any building. One magazine shall be used for storage of explosives and the other for the storage of blasting caps.

79. Class C (daily supply) magazines to be used in the vicinity of blasting operation shall be of an approved portable type to provide daily storage not in excess of two hundred (200) pounds of explosives or one hundred (100) blasting caps. The commissioner may require a reduction of quantities as aforesaid when conditions require it.

80. Magazines in which more than fifty (50) pounds of explosives are kept and stored must be detached from other structures, and magazines where more than five thousand (5,000) pounds of explosives are kept and stored must be located at least two hundred (200) feet from any other magazine, and magazines where quantities of explosives over twenty-five thousand (25,000) pounds are kept and stored must have an increase over two hundred (200) feet of two and two-thirds (2-2/3) feet for each one thousand (1,000) pounds of explosives in excess of twenty-five thousand (25,000) pounds stored therein; provided, that the said distance between magazines may be disregarded where the total quantity stored in said magazines, considered as a whole, complies with the quantity and distance table of this act; except that the quantity of explosives contained in blasting cap magazines (table two, section 61 of this act, establishes the equivalence between number of blasting caps and pounds of explosives) shall govern in regard to spacing said blasting cap magazines from magazines containing other explosives, but under no circumstances shall a magazine containing blasting caps be within a less distance than one hundred

(100) feet, not barricaded or fifty (50) feet, barricaded, from any magazine other than blasting cap magazines.

ARTICLE 10 TRANSPORTATION

81. A vehicle when transporting explosives shall be used for that purpose only and such explosives must be transported in the body of the vehicle. Vehicles used for transporting explosives shall be strong enough to carry the load without difficulty and shall bear a valid motor vehicle certificate issued by an authorized Federal or State agency.

82. The quantity of explosives that is carried in any vehicle shall be subject to approval by the commissioner and shall be indicated upon permit when issued.

83. Every vehicle, while carrying explosives upon the public highways shall display upon an erect pole at the front end of such vehicle and at such height that it shall be visible from all directions, a red flag with the word "Danger" printed, stamped or sewed thereon, in white letters at least six (6) inches in height, or in lieu of such flag, the word "Explosives" must be painted or attached to the ends and each side of such vehicle in contrasting colors, the letters to be at least six (6) inches in height, or a placard reading: "Explosives—Handle Carefully—Keep Fire Away."

84. Every vehicle, when used for transporting explosives shall be equipped with approved means for the extinguishment of fires, suitable for use on oil fires, filled and ready for instant use and located near the driver's seat.

85. It shall be the duty of the person to whom a permit has been issued to transport explosives over the highways of this State, or the operator of the vehicle to daily inspect the vehicle used by him to determine that:

- (1) Fire extinguishers are filled and in working order,
- (2) Electric wiring is completely insulated and firmly secured,
- (3) Chassis, motor, body and all other parts of vehicles are clean and free from surplus oil and grease,
- (4) Gasoline tank and piping are secure and without leaks,
- (5) Brakes and steering equipment are in good condition,
- (6) The truck is in proper condition for handling explosives.

86. The person making the daily inspection shall be responsible for having the vehicle altered or repaired, before further use, when said inspection reveals any faulty condition as enumerated above.

87. The owner of the vehicle shall be responsible for the keeping of an approved record card of such daily inspection. Said record shall be kept in a place to be designated by the commissioner.

88. Vehicles containing explosives shall never be taken into nor be permitted to be taken into a garage, or other repair shop, for repairs or storage.

89. It shall be unlawful for any person in charge of a vehicle containing explosives to smoke in, upon or near such vehicle, to drive the vehicle while intoxicated, or under the influence of narcotic drugs, to drive the vehicle in a careless or reckless manner, or to load or unload such vehicle in a careless or reckless manner or to make unnecessary stops.

90. It shall be unlawful for any person to place or carry, or cause to be placed or carried, any metal tool or other similar piece of metal in the bed or body of a vehicle containing explosives, unless contained in a box or other container approved by the commissioner.

91. It shall be unlawful for any person to place or carry, or cause to be placed or carried, in the bed or body of any vehicle containing explosives, blasting caps or other similar explosive material, or to carry in or upon such vehicle any matches or any other flame-producing device, except approved flares and safety matches carried in a container approved by the commissioner.

92. Vehicles transporting explosives shall only be driven by and be in charge of a driver at least twenty-one years of age and who is careful, capable, reliable and in possession of a valid motor vehicle operator's license. Such a person shall also be familiar with the section and parts of this act pertaining to the transportation of explosives.

93. Explosives shall not be transported in any form of trailer nor shall any trailer be attached to any vehicle hauling explosives.

94. A driver shall not leave the driver's seat until the brakes of the vehicle are securely set and for motor vehicles, until the motor has been stopped. In the event of horse-drawn vehicles, the driver shall securely tie the horse, or team, immediately after setting the brakes. Special approval for using horse-drawn vehicles to transport explosives shall be obtained from the commissioner before use.

95. Unauthorized persons, or passengers, shall not ride on a vehicle transporting explosives.

96. The operator of a vehicle transporting explosives shall avoid, wherever possible, those streets that are congested or where there is a large number of persons, or where there exists a subway or elevated route.

97. The operator of a vehicle transporting explosives shall not leave such vehicle unattended, except when absolutely necessary.

98. Vehicles transporting explosives shall not be driven nearer than three hundred (300) feet of each other, except as otherwise provided by regulation.

99. When explosives are loaded upon, or unloaded from, any vehicle, the packages containing the explosives shall not be thrown, or dropped from the vehicle, and shall be carefully deposited or stored in such a manner as to prevent any displacement of the packages.

ARTICLE 11

USE OF EXPLOSIVES

100. Blasting shall not be undertaken, except by blasters who have a valid permit issued in compliance with this act.

101. The handling of explosives may be performed by other employees provided the work is done under the direct supervision of the person holding the permit to use explosives and providing such employees are at least twenty-one years of age.

102. No person shall handle explosives while under the influence of intoxicating liquors or narcotics.

103. Persons authorized to prepare explosive charges or conduct blasting operations shall use every reasonable precaution to insure the safety of the general public and workmen in a manner as provided by regulation.

104. Blasts shall be fired in an approved manner.

105. Empty boxes which have previously been used for high explosives containing a liquid explosive ingredient shall not be used for any purpose, but shall be destroyed by burning in the open air.

106. No person shall smoke while handling explosives or in the vicinity thereof.

107. No open-flame lamp or light shall be used in the vicinity of explosives.

108. Containers of explosives shall not be opened in any magazine, or within fifty (50) feet of any magazine.

ARTICLE 12

INDEMNITY BONDS

109. The owner or operator of every explosives plant in which explosives are manufactured, processed or handled, or in which explosives are used as a component part in the manufacture of any article or device, or magazines (not on explosives plant property) in which explosives are stored in excess of thirty thousand (30,000) pounds, within sixty (60) days after demand therefor in writing by the commissioner upon such owner or operator, unless exempted therefrom as hereinafter provided, shall file and keep on file with the commissioner an indemnity bond of approved form payable to the State of New Jersey in such sums as may be determined by the commissioner and set forth in such demand not in excess of two hundred and fifty thousand dollars (\$250,000.00), nor less than five thousand dollars (\$5,000.00), with surety or sureties legally authorized to do business in the State of New Jersey and satisfactory to the commissioner, conditioned for the payment of all final judgments that may be rendered against said owner or operator for damages caused to persons and property by reason of any explosion at said explosives plant of the explosives or product or component part or parts thereof there manufactured, processed or handled, or at any magazine not on explosives plant property in which explosives are stored in excess of thirty thousand (30,000) pounds. Any such owner or operator desiring to be exempted from filing such bond shall make application to the State Department of Banking and Insurance showing his financial ability to discharge all such judgments to the amount of said bond required by said commissioner that may be entered against him, whereupon said department, if satisfied with such financial ability of the applicant, shall, by written order, exempt such applicant from the filing of such bond; and said Department of Banking and Insurance may from time to time require further statements from the applicant showing his financial ability aforesaid and, if dissatisfied therewith, may in its discretion revoke such exemption and require the filing of such bond.

ARTICLE 13

ENFORCEMENT

110. Notwithstanding the provisions of any other general, local or special law, all fees and other moneys derived from the operation of this act shall be remitted to the State Treasurer and said moneys shall be placed to the credit of the commissioner and shall be used exclusively for the purpose of carrying into effect the provisions of this act and for the payment of salaries and expenses of employees for research, equipment and for any other necessary expenses pertaining to the carrying out and enforcement of the provisions of this act. This fund shall be kept separate and apart from any other State moneys

and shall be disbursed by the State Treasurer upon voucher certified by the commissioner.

111. The commissioner shall appoint one or more inspectors or technicians who shall be subject to the direction and control of the commissioner to carry out the provisions of this act, and such other duties as may be assigned to them by the commissioner. Such inspectors or technicians shall be appointed in accordance with the provisions of Title 11 of the Revised Statutes, regulating the employment, tenure and discharge of certain officers and employees of this State, and of the various counties and municipalities thereof, and providing for a Civil Service Commission and defining its powers and duties.

112. Subsequent to those inspections made before issuing permits involving explosives, the commissioner shall cause periodic inspections, to be made at least once a year where practicable. Such inspections shall be for the purpose of determining whether or not there has been complete compliance with all the requirements of this act.

113. The commissioner shall keep a record of all inspections and the record shall include the date of the inspections and the violations, if any. Where violations of this act are found to exist, the commissioner shall serve a notice in writing on the owner, or user, the agent of the owner or user, or any person in responsible charge for the owner, or user, requiring compliance within a specified period of time. In the event that the order has not been complied with within the time period specified or at the end of any granted extensions, action as hereinafter provided shall be taken.

114. The commissioner shall have the authority to revoke the permits for a violation of this act if correction is not made within time specified or granted extensions thereof. Upon the revocation of a permit, the commissioner shall have the right to seize all the explosives of the owner at the location in question and dispose of the same at the expense of the said owner until the permit has been reinstated. Should the owner fail to obtain reinstatement of the permit within thirty (30) days of the date of the revocation, or any granted extensions thereof, the commissioner may sell the explosives seized and apply the proceeds to the costs involved in seizing and storing the same and shall pay over to the owner any surplus after the payment of said costs. Violations in manufacturing plants shall apply to specific operations only and shall not void the permit to manufacture.

115. If the operations continue despite the revocation of permit, the person to whom the permit was issued shall be liable to a penalty of one thousand dollars (\$1,000). The proceeding for the recovery of this penalty shall be by action at law in the name of the commissioner, to be instituted in any court of competent jurisdiction; or by compromise.

116. The commissioner is hereby empowered to seal any magazines or vehicles and to order premises closed where explosives are manufactured, processed, stored, transported, or sold when violations of the provisions of this act are found to exist. Unless the seal shall be removed by the commissioner or closing order revoked by the commissioner, because of satisfactory compliance with the provisions of this act and if magazines and vehicles continue to be used in violation of this act, the owner or user shall be liable to a penalty of one thousand dollars (\$1,000). Notwithstanding anything in this act to the contrary, the proceeding for the recovery of this penalty shall be by action at law in the name of the commissioner, to be instituted in any court of competent jurisdiction, or by compromise.

117. When the commissioner receives a report of deteriorated or leaking explosives, he shall order them to be disposed of according to the regulations and at the expense and the risk of the possessor.

118. The commissioner shall have the authority to revoke any permit that has been issued as required by this act, whenever it appears that any person holding such a permit or to whom such a permit has been issued, has been convicted of a crime involving moral turpitude or is or has been disloyal to the United States.

ARTICLE 14

PENALTIES

119. Any person who fails to comply with or violates any of the provisions of this act, except as hereinbefore provided, shall be guilty of a misdemeanor and upon conviction shall be liable to a fine of not less than one hundred dollars (\$100.00) nor more than ten thousand dollars (\$10,000), or imprisonment not exceeding one (1) year, or both, in the discretion of the court.

120. Any person with a previous criminal record who violates any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be liable to a penalty of not less than one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000), or imprisonment not exceeding five (5) years, or both.

121. Any person who shall have in his possession or control explosives, blasting caps; any bomb, shell or similar device, charged, or filled with one or more explosives; intending to use the same or cause same to be used for an unlawful purpose, shall be deemed guilty of a high misdemeanor, and upon conviction shall be punished by imprisonment in a State prison for a term of not less than five (5) years nor more than twenty-five (25) years. The possession or control by any person of any such material or device shall be deemed prima facie evidence of an intent to use the same, or cause the same to be used, for an unlawful purpose.

ARTICLE 15

EXCEPTIONS

122. Nothing contained in this act shall apply to the regular military or naval forces of the United States of America or its legal allies, nor the duly authorized militia of any State or territory thereof, nor to the police or fire departments of this State, providing the same are acting within their official capacity and in the performance of their duties.

123. Nothing contained in this act shall apply to explosives while being transported upon vessels, vehicles or railroad cars or while being held for delivery; provided, such transportation and delivery is subject to and in conformity with the regulations prescribed by the Interstate Commerce Commission or the Bureau of Marine Inspection and Navigation, Department of Commerce; and provided, further, that nothing in this act shall apply to the receipt, possession and use of signals required for the safe operation of vessels, motor vehicles, railroad cars or aircraft by the operators of such vessels, motor vehicles, railroad cars or aircraft.

124. Nothing contained in this act shall affect any existing ordinance, rule or regulation of any city or municipality not less restrictive than this act governing the manufacture, storage, sale, use or transportation of explosives, or affect, modify or limit the power of cities or municipalities in this State to make ordinances, rules or regulations not less restrictive than this act governing the manufacture, storage, sale, use or transportation of explosives within their respective corporate limits.

125. Nothing in this act shall nullify the provisions of chapters two and three of Title 21 of the Revised Statutes or the amendments thereto.

ARTICLE 16

126. In case any provision of this act shall be adjudged unconstitutional or void for any reason, such adjudication shall not affect any of the other provisions of this act.

127. Chapter one of Title 21 of the Revised Statutes, excepting only sections 21:1-41, 21:1-42, 21:1-43, 21:1-44, 21:1-50 and 21:1-51, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

128. This act shall take effect immediately.

Approved March 28, 1941.



Obtainable from
BUREAU OF EXPLOSIVES,
DEPARTMENT OF LABOR, & INDUSTRY
TRENTON (8), N. J.