

CHAPTER 190

EXPLOSIVES

Authority

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

Source and Effective Date

R.2003 d.164, effective March 28, 2003.
See: 35 N.J.R. 337(a), 35 N.J.R. 1670(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 190, Explosives, expires on September 24, 2008. See: 40 N.J.R. 2200(a).

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. See, also, section annotations.

Chapter 190, Explosives, was readopted as R.2003 d.164, effective March 28, 2003. See: Source and Effective Date.

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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.

12:190-1.7 Existing installations

(a) Installations that were in accordance with the applicable chapters on explosives of Title 12, N.J.A.C. prior to the effective date of this chapter may be continued in service if found by the appropriate officials of the Division of Workplace Standards to be in a safe condition.

(b) The maintenance of existing installations shall be in accordance with this chapter and any replacements thereof shall be in conformity with this chapter.

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

12:190-1.8 Security and safety of explosives

(a) The manufacture of any explosive material shall be prohibited unless such manufacture is authorized by Federal license, when required, and is conducted in accordance with recognized safe practices.

(b) No person shall manufacture, store, sell, transport, use, dispose of, or possess explosives in any manner that creates a recognized hazard that is causing or is likely to cause physical harm to any person or property.

(c) The commissioner may restrict the quantity of explosive materials that may be handled at any location.

(d) All explosives materials and newly developed and unclassified explosives shall meet the provisions of this chapter.

(e) Every person who manufactures, sells, transports, stores, uses, disposes or possesses explosives shall take the following precautions:

1. Suspend operations at the approach of and during an electrical storm;
2. Comply with Radio-Frequency Radiation Hazards, IME Safety Library Publication No. 20-1978;
3. Have testing performed for extraneous electric currents by a competent person using instrumentation designed for the purpose when any operation is in the vicinity of high voltage electric lines;
4. Utilize only approved testing equipment for use in connection with electric detonators; and
5. Utilize only effective grounding methods to eliminate the buildup of static electric charges.

(f) Every person who manufactures, sells, transports, stores, uses or possesses explosives shall not permit:

1. Smoking, unguarded lights, fire, or flame producing devices, except devices specifically designed for use with explosives, within 100 feet of any explosive; and

2. Any person under his control to stay in the danger zone when there is imminent danger of explosives detonating from any source of fire.

(g) Every person who manufactures, sells, transports, stores, uses or possesses explosives shall have such explosives accounted for at all times; and any such explosives shall not be abandoned, buried or covered over by any materials as a means of disposal.

(h) The manufacturer's markings or labels on explosives shall not be changed or destroyed, except by detonation during use or disposal.

(i) No person, other than security or law enforcement personnel, shall carry firearms in the immediate vicinity of explosives.

(j) Any person holding a permit in accordance with N.J.A.C. 12:190-3 shall prohibit any person under the influence of alcohol, narcotics or other dangerous drugs from performing any activity associated with the explosives under his or her control.

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).
In (e), added "disposes" and deleted "which are sensitive to electric charges".

12:190-1.9 Jurisdiction

The Commissioner shall have jurisdiction over the manufacture, sale, transportation, storage, disposition, possession and use of explosives in accordance with N.J.S.A. 21:1A-139 and 21:1A-141.

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).
Inserted references to disposition and possession.

SUBCHAPTER 2. DEFINITIONS**12:190-2.1 Definitions**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Acceptor" means a charge of explosives or blasting agent receiving an impulse from an exploding donor charge.

"Act" means the Explosive Act, N.J.S.A. 21:1A-128 et seq.

"Air Blast" means the airborne shock wave or acoustic transient generated by an explosion.

"Ammunition primer" means a device used to ignite the powder charges of ammunition.

"Approved" means acceptable to the commissioner.

"Artificial barricade" means an artificial mound or properly revetted wall of earth of a minimum thickness of three feet at the top of the berm with the exception of Table 5.16.

"Barricaded" means that a building containing explosives is effectively screened from a magazine, inhabited building, railway or highway, either by a natural barricade or by an artificial barricade of such height that a straight line from the top of any side wall of a building containing explosives to the eave line of any magazine or inhabited building or to a point 12 feet above the center of a railway or highway, will pass through such intervening natural or artificial barricade.

"Black powder" means a deflagrating or low explosive compound composed of an intimate mixture of sulfur, charcoal, and an earth nitrate usually potassium nitrate or sodium nitrate.

"Blast area" means the area of a blast including the area immediately adjacent, within the normal throw of the detonated material within the confines of the property boundaries.

"Blaster" means a person who holds a valid permit to use explosives in New Jersey.

"Blasting" means the breaking up of heavy masses of material through use of explosives.

"Blasting agent" means any material or mixture, consisting of a fuel and oxidizer, intended for blasting, not otherwise classified as an explosive, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated by means of a No. 8 blasting cap when unconfined.

"Blasting cap" means a detonator.

"Blasting machine" means an electrical or electromechanical device which provides electrical energy for the purpose of energizing electric blasting caps.

"Blasting mat" means a mat of woven steel wire, rope, scrap tires or other suitable material or construction to cover blast holes for the purpose of preventing fly rock missiles.

"Building" see definition of "construction."

"Bulk mix delivery motor vehicle" means a motor vehicle that transports explosives, blasting agents or ingredients for explosive material in bulk form for mixing and loading directly into blast holes.

"Bullet-resistant" means magazine walls or doors of construction resistant to penetration of a bullet of 150-grain M2 ball ammunition having a nominal muzzle velocity of 2700 feet per second fired from a 0.30 caliber rifle from a distance of 100 feet perpendicular to the wall or door. When a magazine ceiling or roof is required to be "bullet-resistant", the ceiling or roof shall be constructed of materials comparable to the side walls or of other materials which will withstand penetration of the bullet above described when fired at an angle of 45 degrees from the perpendicular.

"Bullet-sensitive explosive material" means material that can be detonated by 150-grain M2 ball ammunition having a nominal muzzle velocity of 2700 feet per second when the bullet is fired from a .30 caliber rifle at a distance of not more than 100 feet and the test material, at a temperature of 70 to 75 degrees F., is placed against a backing material of ½-inch steel plate.

"Burden" means that dimension of a medium to be blasted measured from the borehole to the face at right angles to the spacing. It means also the total amount of material to be blasted by a given hole, usually measured in cubic yards or in tons.

"Bureau of Explosives" means Bureau of Explosives of the Association of American Railroads.

"CFR" means Code of Federal Regulations in effect on the effective date this chapter was last amended.

"Class A explosive" means an explosive possessing detonating or maximum hazard and means an explosive which is described in section 53 of 49 CFR Part 173.

"Class B explosive" means an explosive possessing flammable hazard such as propellant explosives and photographic flash powders and means an explosive described in 49 CFR Part 171.

"Class C explosive" means certain types of manufactured articles which contain class A, or class B explosives, or both, as components but in restricted quantities, and certain types of fireworks and means an explosive described in 49 CFR Part 171.

"Commercial explosive" means any explosive except a propellant and nitro-carbo-nitrate, including, but not limited to, dynamite black blasting powder, pellet powder, initiating explosive, blasting cap, electric blasting cap, safety fuse, fuse igniter, fuse lighter, squib, cordeau detonant fuse, instantaneous fuse, igniter cord and igniter.

"Commissioner" means the Commissioner of Labor or his authorized designee.

“Competent person” means a person possessing ability and experience that fully qualify him to perform the duty associated with explosives to which he is assigned or has assumed.

“Construction” means an assembly of material to form a building or structure for occupancy or use. “Building” includes an assembly, business, factory, industrial, high hazard, institutional, mercantile, residential or storage occupancy. “Structure” includes among others a stadium, a reviewing stand, an observation tower, a radio tower, a water tank, a bridge, a trestle, or a display sign.

“Construction official” means a qualified person appointed by the municipal appointing authority to enforce and administer legal issues within the jurisdiction of the municipality.

“Container” means in N.J.A.C. 12:190-5.20 a receptacle to move explosives in underground mining operations from magazines to the work force in the mine.

“Delay interval” means the time interval in milliseconds between successive detonations of the delay devices used.

“Demolition” means any work involving the use of explosives in the total or partial dismantling or razing of any construction.

“Detonating cord” means a flexible cord containing a center core of high explosive and used to detonate other explosives.

“Detonating fuse” means a detonating system used in the military to detonate high explosive bursting charges of projectiles, mines, bombs, torpedoes, and grenades. In addition to a powerful detonator, they may contain several ounces of a high explosive, all assembled in a heavy steel envelope.

“Detonator” means any device containing a detonating charge that is used for initiating detonation in an explosive. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating-cord delay connectors, and non-electric instantaneous or delay blasting caps.

“Division of Workplace Standards” means the Division of Workplace Standards in the New Jersey Department of Labor, PO Box 386, Trenton, New Jersey 08625-0386.

“Donor” means an exploding charge producing an impulse that impinges upon an explosive “acceptor” charge.

“Electric detonator” means a blasting cap designed for, and capable of, initiation by means of an electric current.

“Employee” means any person, including supervisory personnel, suffered or permitted to work by an employer; or a member of either a board, corporation, partnership, propri-

etorship, joint venture, fund, authority or similar entity directly performing explosives work.

“Employer” means a body, board, person, corporation, partnership, proprietorship, joint venture, fund, authority or similar entity employing, permitting or suffering another to work or directly performing the explosives work. In the case of a corporation, the officers of the corporation and any agents having the management of the corporation shall be deemed to be employers of the employees of the corporation. This term shall apply to private employers and to the State, its political subdivisions and any boards, commissions, schools, institutions or authorities created or recognized thereby. This term also includes contractors and subcontractors.

“Explosive” means any chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible materials or other ingredients, in such proportions, quantities or packing that an ignition by fire, by friction, by concussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressure is capable of producing destructive effects on contiguous objects.

1. The term “explosive” includes, but is not limited to:

- i. A commercial explosive, propellant or nitro-carbo-nitrate;
- ii. A high explosive or a low explosive; and
- iii. An explosive material, blasting agent, water gel or detonator.

2. The term “explosive,” except as specifically stated in the act, does not include:

- i. Small arms ammunition;
- ii. An explosive in a form prescribed by the United States Pharmacopoeia; or
- iii. Fireworks regulated under Manufacture, Storage and Transportation of Fireworks, N.J.S.A. 21:2-1 through 21:2-7.

“Explosive material” means an explosive.

“Explosive manufacturing building” means any building or other structure, except magazines, in which the manufacture of explosives is carried on.

“Explosive manufacturing establishment” means all lands, and buildings situated thereon, used in connection with the manufacture of explosives.

“Fireworks” means any combustible or explosive composition, or any substance or combination of substances, or articles prepared for the purpose of producing a visible or

audible effect by combustion, explosion, deflagration or detonation.

“Flammable liquid” means any liquid with a flash point less than 100 degrees F as measured by tests specified in section 173.115 of 49 CFR part 173, except: a flammable liquid with a vapor pressure greater than 40 psia at 100 degrees F., a liquid mixture containing one percent or less flammable components, and a water-alcohol solution containing 24 percent or less alcohol.

“Flammable solid” means any material, other than an explosive, which is liable to cause fires through friction, absorption of moisture, spontaneous chemical changes, retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious transportation hazard.

“Fly rock” means dirt, rock, concrete, wood, brick, water or any other material that is propelled from the job site or blast area by the force of an explosion.

“Fuel” means a substance that may react with the oxygen in the air or with the oxygen or other oxidizing material yielded by an oxidizer to produce combustion.

“Fume classification” means a classification indicating the amount of poisonous or toxic gases produced by an explosive or blasting agent.

“Hardwood” means oak, maple, ash, hickory, or other hardwood, free from loose knots, spaces, or similar defects.

“Hertz” means cycles per second.

“High explosive” means any explosive material which can be caused to detonate by means of a blasting cap, when unconfined.

“Highway” means any public street, road, highway, alley or part of a navigable stream which is used as a highway of commerce.

“IME” means the Institute of Makers of Explosives.

“Inhabited building” means a building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store or other structure where people are accustomed to assemble, except any building or structure occupied in connection with the manufacture, sale, transportation, storage, use, disposal or possession of explosives.

“Job site” means the site where explosives are being used within the property line or right-of-way of any road.

“Initiating primer” means an explosive cartridge with a detonator or initiating agent inserted therein.

“Low explosive” means an explosive material which can be caused to deflagrate when confined.

“Magazine” means any building, structure, or other enclosure or container, other than an explosive manufacturing building used for the storage of explosives as described in N.J.A.C. 12:190-5.

“Misfire” means an explosive material charge that fails to detonate after an attempt at initiation.

“Motor vehicle” means any self propelled vehicle, truck, tractor, semi-trailer, or truck-full trailer used for the transportation of explosives.

“Natural barricade” means natural features of the ground including but not limited to hills, or timber of sufficient density so that the surrounding exposures which require protection cannot be seen from the magazine containing explosives when the trees are bare of leaves.

“NFPA” means National Fire Protection Association.

“N.J.A.C.” means the New Jersey Administrative Code.

“N.J.S.A.” means the New Jersey Statutes Annotated.

“Nitro-carbo-nitrate” means an explosive classified as a blasting agent.

“No. 8 blasting cap” means a cap containing two grams of a mixture of 80 percent mercury fulminate and 20 percent potassium chlorate, or a cap of equivalent strength.

“Office of Safety Compliance” means the Office of Safety Compliance in the Division of Workplace Standards of the New Jersey Department of Labor, CN 386, Trenton, N.J. 08625, telephone 609-292-2096.

“Oxidizer” means a substance such as nitrate that yields oxygen or other oxidizing substance readily to stimulate the combustion of organic matter or other fuel.

“Oxidizing material” means an oxidizer.

“Peak particle velocity” means the peak particle velocity recorded on any one of the three mutually perpendicular components of blasting vibrations in the vertical and horizontal directions.

“Permit holder” means any person who has obtained a permit to manufacture, sell, store or use explosives.

“Person” means any natural person, partnership, firm, association or corporation.

“Placard” means a sign placed on a motor vehicle transporting explosives or oxidizers indicating the nature of the cargo.

“Plywood” means exterior, construction grade laminated wood.

“Propellant” means any solid chemical or solid chemical mixture which functions by rapid combustion of successive layers and includes, but is not limited to, smokeless powder for small arms, smokeless powder for cannon, smokeless powder or solid propellant for rockets, jet thrust units, or other devices.

“Public conveyance” means any transportation facility which is carrying passengers for hire.

“Railway” means and includes any steam, electric or other railroad or railway which carries passengers for hire on the particular line or branch in the vicinity where explosives storage magazines or explosives manufacturing buildings are situated, but shall not include auxiliary tracks, spurs and sidings installed and primarily used for transporting freight.

“Seismograph” means an instrument which records ground vibration by measuring and recording particle velocity, displacement, or acceleration in three mutually perpendicular directions.

“Semi-conductive hose” means a hose with an electrical resistance high enough to limit flow of stray electric currents to safe levels, yet not so high as to prevent drainage of static electric charges to ground such as hose of not more than two megohms resistance over its entire length and not less than 5,000 ohms per foot.

“Sensitivity” means a physical characteristic of an explosive classifying its ability to detonate upon receiving an external impulse such as impact, shock, flame, or other influences which can cause explosive decomposition.

“Single delay” means a delay in time of eight milliseconds or more.

“Small arms ammunition” means any cartridge for shot-gun, rifle, pistol, or revolver, and cartridge for propellant-actuated power devices and industrial guns. Military-type ammunition containing explosive bursting charges, or any incendiary, tracer, spotting or pyrotechnic projectile is excluded from this definition.

“Smokeless propellant” means a solid propellant, commonly called smokeless powder in the trade, used in small arms ammunition, cannon, rockets, or propellant-actuated powder devices.

“Softwood” means fir, pine, or other softwood free from loose knots, spaces, or other similar defects.

“Squib” means a firing device that burns with a flash and is used for igniting black powder or pellet powder.

“Stemming” means an inert material placed in a borehole after the explosive and for the purpose of confining explosive materials or to separate charges of explosive material in the same borehole.

“Stray current” means a flow of electricity outside of the conductor which normally carries it.

“Type 1 magazine” See N.J.A.C. 12:190-5.2(b)1.

“Type 2 magazine” See N.J.A.C. 12:190-5.2(b)2.

“Type 3 magazine” See N.J.A.C. 12:190-5.2(b)3.

“Type 4 magazine” See N.J.A.C. 12:190-5.2(b)4.

“Type UG magazine” See N.J.A.C. 12:190-5.2(b)5.

“USC” means United States Code.

“USDOT” means United States Department of Transportation.

“Vibration” means the energy from a blast that manifests itself in earthborne vibrations which are transmitted through the earth away from the immediate blast area.

“Water gel” means any of a wide variety of materials used for blasting that contain substantial proportions of water and high proportions of ammonium nitrate, some of which is in solution in the water. Two broad classes of water gels are (a) those which are sensitized by a material classed as an explosive, such as TNT or smokeless powder, and (b) those which contain no ingredient classified as an explosive; these are sensitized with metals such as aluminum or with other fuels. Water gels may be classified as class A explosives, class B explosives or blasting agents.

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).

Amended “Artificial barricade”, “Blast area”, “Blaster”, “Blasting”, “Blasting agent”, “Class B explosive”, “Class C explosive”, “Division of Workplace Standards”, “Electric detonator”, “Explosive”, “Fly rock”, “Inhabited building”, “Magazine”, “No. 8 blasting cap”, “Permit holder”, and “Single delay”; and added “Employee”, “Employer”, and “Job site”.

SUBCHAPTER 3. ADMINISTRATION

12:190-3.1 Scope of subchapter

This subchapter shall apply to the procedures for the issuance of permits, the payment of fees, the recordkeeping required for permit holders, and reporting procedures.

12:190-3.2 Permit restrictions

(a) No person shall manufacture, sell, store or use explosives unless he or she is 21 years of age or older and a permit has been issued as provided in the applicable provisions of this subchapter. Permits shall not be issued to individuals under the age of 21.

(b) No explosives shall be sold, given or delivered to any person not in possession of a permit to store or purchase explosives.

(c) No permit shall be transferable.

(d) No permit holder shall manufacture, sell, transport, store or use explosives which exceed the limitations expressed on the permit.

(e) No permit shall be issued for the sale, storage or use of explosives which are not acceptable to the Commissioner.

(f) No permit shall be issued where the Commissioner concludes, after full examination of the qualifications of an applicant, that to grant a permit would be dangerous to the health, safety and welfare of the public.

(g) The Division of Workplace Standards shall be notified in writing when the permanent address of a person having a permit to use, sell, store or manufacture explosives has been changed. The notice shall be postmarked within 10 days of the change.

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

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

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

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

In (a), added age restriction; in (b), inserted "to store or purchase explosives" at the end of the sentence; in (c), substituted "transferable" for "assigned or in any way transferred"; in (d), substituted "which exceed the" for "except in compliance with the"; and added a new (g).

12:190-3.3 Exemptions from permits

(a) No permit shall be required for the storage or use of smokeless powder which is used by private persons for the hand loading of small arms ammunition and which is not for resale. For this purpose not more than 36 pounds of smokeless powder and not more than five pounds of black powder shall be stored without a permit.

(b) Persons holding, or employed by a person holding, a permit to manufacture explosives, and who engaged in the testing of explosives incidental to the manufacture or development of explosives, shall not be required to obtain a permit to use explosives.

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

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

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

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

Deleted "or transported" preceding "without a permit".

12:190-3.4 Application for permit

(a) An application for a permit shall be made to the Commissioner on forms provided by him and shall contain all information as the Commissioner may require.

(b) An applicant for a permit shall, at his own expense, furnish whatever pertinent information the Commissioner may require in addition to that specified in this subchapter.

(c) Any false representation made for the purpose of procuring a permit shall be cause for revocation.

(d) Initial applications for a permit to use explosives for blasting purposes shall be accompanied by two recent photographs, two completed fingerprint cards and a testing fee of \$25.00 which shall be applied to the permit fee once a passing grade is obtained.

(e) Upgrade applications for a permit to use explosives for blasting purposes shall be accompanied by a testing fee of \$25.00 which shall be applied to the permit fee once a passing grade is obtained.

(f) Applications for annual renewal of permits shall be mailed or delivered by the Commissioner to the permit holder's address as shown on the previous application.

(g) If an application for renewals is filed with the Commissioner before the expiration of the old permit, the renewal shall become effective when the old permit expires.

(h) Renewal permits shall not be issued more than 30 days prior to the expiration date of current permits.

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

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

In (d), included a testing fee; inserted a new (e); and recodified existing (e) through (g) as (f) through (h).

12:190-3.5 Investigation of applicants for permits

(a) Upon receipt of an application for a permit to manufacture, store, sell, transport or use explosives, and before the permit is issued, the Commissioner shall make or cause to be made an investigation for the purpose of ascertaining if all applicable requirements of this chapter and the Act have been met.

(b) For an initial permit to manufacture, store, sell, or use explosives the Commissioner shall make a determination of "good moral character and loyalty to the United States" referenced in N.J.A.C. 12:190-3.6. This determination is based on:

1. Acceptance of the applicant by the Bureau of Alcohol, Tobacco, and Firearms of the United States Department of the Treasury for any activity concerning explosives; or

<u>Grade</u>	<u>Description</u>
Q	Authorizes purchase of explosives when such person does not have a permit for permanent storage of explosives in mining operations only.
P	Pyrotechnic specialty permit

(i) An applicant for a "permit to use" explosives in any grade shall have attained experience involving at least 20 blasts utilizing at least 80 percent of the quantity limitations granted by the permit currently held in order to advance to the next higher grade.

(j) An applicant for a D permit shall hold a grade S-1 permit and be able to demonstrate at least 12 months experience in the demolition of constructions.

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).

In (e), substituted "three months" for "one year"; rewrote (g); amended Table 3.11(h); rewrote (i); deleted Table 3.11(i); and added a new (j).

12:190-3.12 Responsibilities of permit holders

(a) All holders of a "permit to manufacture, sell, store or use" explosives shall comply with the reporting provisions of this subchapter.

(b) All holders of a "permit to manufacture, sell, store or use" explosives shall post or be in possession of a permit as described in this subsection.

1. The "permit to manufacture" shall be posted in the main office of the explosive manufacturing establishment.

2. The "permit to sell" shall be posted at the location where explosives are sold, and any person who delivers explosives shall have a photocopy of the original "permit to sell" posted in the delivery vehicle.

3. The original copy of the "permit to store" shall be posted in the storage magazine, and a duplicate copy kept on file at the place of business.

4. The "permit to use" shall be in the possession of the permit holder.

(c) Permit holders shall take every reasonable precaution to protect their permits from loss, theft, defacement, destruction or unauthorized duplication.

(d) The loss or theft of any permit shall be immediately reported to the Commissioner.

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

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

12:190-3.13 Explosives not permitted

(a) A "permit to sell, transport, store or use" any of the following explosives shall not be issued:

1. Liquid nitroglycerin;

2. Dynamite (except gelatin dynamite) containing over 60 percent 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 uncompressed condition in a quantity greater than ten pounds net weight in one package;

5. Fulminate of mercury 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 rendering the products or their use more hazardous, when subjected for 48 consecutive hours or less to a temperature of 167 degrees F;

7. Explosives containing an ammonium salt and a chlorate;

8. New explosives until approved by the USDOT, except that a permit may be granted for transportation and possession for laboratory examination of such explosives when under development by responsible research organizations;

9. Explosives not packed or marked in accordance with the USDOT;

10. Explosives prohibited for transportation by the USDOT; and

11. Explosives prohibited by the Commissioner.

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

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

12:190-3.14 Annual fees for permits

(a) After an application for a permit has been approved, the correct fee shall be forwarded to the appropriate officials of the Division of Workplace Standards.

(b) The check or money order shall be made payable to the Commissioner of Labor and Industry.

(c) A permit shall not be forwarded to the applicant until the fee has been received by the Commissioner.

(d) Fees shall not be refunded when a permit is revoked or abandoned.

(e) The fee for replacing a lost permit shall be \$10.00.

(f) An annual fee shall be paid for a "permit to manufacture" explosives in accordance with Table 3.14(f).

Table 3.14(f)

Fee for "Permit to Manufacture" Explosives

Explosives		Annual Fee
pounds over	pounds not over	dollars
0	5,000	500
5,000	10,000	750
10,000 and over		1,000

(g) An annual fee shall be paid for a "permit to sell" explosives in accordance with Table 3.14(g).

Table 3.14(g)

Fee for "Permit to Sell" Explosives

Type of Sale	Annual Fee
	dollars
High Explosives Retail	300
Low Explosives Retail	150
High Explosives Wholesale	300
Low Explosives Wholesale	300

(h) An annual fee shall be paid for a "permit to store" explosives in accordance with Table 3.14(h).

Table 3.14(h)

Fee for "Permit to Store" Explosives

Type of Magazine	Explosives		Annual Fee
	pounds over	pounds not over	
Type 1	0	30,000	150
Type 1	30,000 and over		750
Type 2	0	30,000	150
Type 2	30,000 and over		750
Type 3	0	30,000	150
Type 3	30,000 and over		750
Type 4	0	30,000	150
Type 4	30,000 and over		750
Type UG	0	30,000	150
Type UG	30,000 and over		750

(i) An annual fee shall be paid for a "permit to use" explosives in accordance with Table 3.14(i).

Table 3.14(i)

Fee for "Permit to Use" Explosives

Grade of Permit	Annual Fee [†]	Grade of Permit	Annual Fee [†]
	dollars		dollars
A	200	Q-3	150
S-1	200	Q-4	125
S-2	175	Q-5	100
S-3	150	Q-6	75
S-4	125	U	200
S-5	100	D	200
S-6	75	H	100
Q-1	200	Q	200
Q-2	175	P	200

† A person holding more than one grade of permit is only required to pay the fee for the highest grade.

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

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

Amended by R.1991 d.613, effective December 16, 1991.

See: 23 N.J.R. 2949(a), 23 N.J.R. 3815(b).

Revised (f)-(j).

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).

Rewrote the section.

12:190-3.15 Recordkeeping for all permit holders

(a) Every person holding a "permit to manufacture, sell, store or use" explosives shall keep records in accordance with this section.

(b) All records required by this section shall be maintained and be open to inspection by the Commissioner at any time necessary for the protection of miners and the general public's health, safety and welfare and, for the protection of property.

(c) Where an owner is maintaining records complying with this section, the employees holding a "permit to use" explosives shall not be required to maintain individual records.

(d) Where the person holding a "permit to manufacture, sell or store" explosives maintains records for the Bureau of Alcohol, Tobacco and Firearms of the U.S. Department of the Treasury, which substantially comply with this section, the permit holder shall be deemed in compliance with this section, providing the records are available for inspection by the commissioner in accordance with (b) above.

(e) At least one copy of the records required by this section shall be maintained at the address provided on the "permit to manufacture, sell, store or use".

(f) Information from the records required by this section shall be forwarded to the commissioner upon his written request.

(g) Invoices, sales slips, receipts, or similar papers representing individual transactions may be used as temporary records. Information from these records shall be recorded in a permanent record not later than one week from the date following the date of transaction.

(h) The person holding a "permit to manufacture, sell, store or use" explosives shall record the information required by this section and retain a permanent record.

1. Permanent records shall show the name of the supplier, quantities, brand and type, manufacturer's identifying marks and the date of all invoices or transactions.

2. Permanent records shall show the exact disposition of all explosives whether used in manufacturing, sale, or used in blasting or other disposal.

3. Permanent records shall be retained at least five years following the year in which the record was made.

Administrative Correction to (h)3.
See: 22 N.J.R. 2022(a).
Amended by R.1998 d.110, effective March 2, 1998.
See: 29 N.J.R. 4624(a), 30 N.J.R. 847(a).

Rewrote (b) and in (h)3, substituted "five years" for "until the end of the calendar year".

12:190-3.16 Recordkeeping for holders of "permit to manufacture"

(a) In addition to the recordkeeping of N.J.A.C. 12:190-3.15, holders of a "permit to manufacture" shall comply with this section.

(b) The permanent record of a person having a "permit to manufacture" explosives shall include the following:

1. The amount and type of explosives acquired;
2. The amount of explosives on hand;
3. The amount and destination of explosives shipped;
4. The dates of transactions; and
5. The names and addresses of suppliers and purchasers of explosives.

(c) Where the information contained in (b) above can be obtained from regular business records, a separate record need not be maintained.

Amended by R.1998 d.110, effective March 2, 1998.
See: 29 N.J.R. 4624(a), 30 N.J.R. 847(a).

12:190-3.17 Recordkeeping for holders of "permit to sell"

(a) In addition to the recordkeeping of N.J.A.C. 12:190-3.15, holders of "permit to sell" shall comply with this section.

(b) The permanent record of a person having a "permit to sell" shall include the following:

1. The amounts and kinds acquired;
2. The names and addresses of the persons from whom acquired and the dates on which acquired;
3. The amounts and kinds sold or otherwise disposed of;
4. The names, addresses and permit numbers and dates of permits of persons to whom sold or otherwise disposed of, and the dates of the sales or other dispositions;
5. The amount and kinds on hand at each location at the end of each day on which there are transactions or operations; and
6. A certified list of names of representatives or agents authorized to accept explosives on behalf of any purchaser.

12:190-3.18 Recordkeeping for holders of "permit to store" or "Grade Q permit to use"

(a) In addition to the recordkeeping of N.J.A.C. 12:190-3.15, holders of "permit to store", or "Grade Q permit to use" shall comply with this section.

(b) The permanent record of a person having a "permit to store" or a "Grade Q permit to use" shall include the following:

1. The amounts and kinds acquired;
2. The names and addresses of the persons from whom acquired and the dates on which acquired;
3. The amounts and kinds in a continuous inventory record for each magazine; and
4. The amounts and kinds used or otherwise disposed of in the conduct of the business operations.

Amended by R.1998 d.110, effective March 2, 1998.
See: 29 N.J.R. 4624(a), 30 N.J.R. 847(a).
Substituted "Q" permit for "J" permit throughout.

12:190-3.19 Recordkeeping for holders of a "permit to use"

(a) In addition to the recordkeeping of N.J.A.C. 12:190-3.15, holders of a "permit to use" explosives shall comply with this section.

(b) The person having a "permit to use" explosives shall maintain a permanent record of each blast. At least one copy of this record shall be maintained at the mining office or construction site. In the absence of a blast site office, the record shall be maintained at the principal place of business of the employer.

(c) The person having a "permit to use" explosives shall maintain a record of each blast which shall include the following:

1. Name and address of person responsible for the project;
2. Name and permit number of blaster in charge;
3. Name, address and specific locations at the address of the blasting project;
4. Identification number for each blast in sequence by project on an annual basis;
5. Date and time of the blast;
6. General type of material blasted;
7. Nature of blasting, such as bank, trench or pre-split;
8. Weather conditions, including wind speed direction, temperature, and sky conditions;
9. Blast hole description, including hole sizes, inclinations, depths, sub-drilling, number of holes, burden spacing, and number of rows of holes;

10. Depth of stemming;
11. Depth and placement locations of decking used;
12. Kind of explosives used;
13. Total amount of explosives used;
14. Maximum amount of explosives fired on any time delay period;
15. The number of holes fired included in the maximum pounds per delay;
16. Number, brand name and type of electric blasting caps used and the number of individual delay periods;
17. Actual firing time where electric delay blasting caps do not fall within the manufacturer's sequence of delay time;
18. Size and total length of detonating cord, when used, delay periods, and type of precaution to deaden sound effects;
19. All pertinent information on delay periods, when other nonelectric initiating systems are used;
20. A plan indicating blast hole layout and a cross-section of a blast hole showing the maximum pounds per delay, burden, spacing, depth of hole, subdrilling, stemming depth, decking location, and locations of detonators and explosives.
21. The horizontal distance and direction to the nearest construction from the blast site, that is neither owned nor leased by the person conducting or contracting for the blasting operation closest to the nearest loaded blast hole to be detonated; and
22. The names of the instruments, operator, interpreter and statement of compliance in accordance with (f) below.

(d) When more than one similar blast is to be conducted in a single day, one form may be utilized for compliance with (c) above, provided the number of blasts is included and all applicable questions are answered for each blast.

(e) The person having a "permit to use" explosives shall maintain a record of all misfires which shall include the following:

1. The address and involved portion of the mine or construction site;
2. The date of misfire;
3. The number of holes involved in the misfire;
4. The cause of the misfire;
5. The method used to reblast the misfire;
6. The name of the blaster in responsible charge of handling the misfire; and
7. The signature of the blaster making the report.

(f) When required by N.J.A.C. 12:190-7, the person holding a "permit to use" explosives shall maintain a record of ground vibration readings and air blast effect readings, which shall include the following:

1. Identification of the instrument used;
2. The name of the observer;
3. The name of the interpreter;
4. The distance in feet and direction of the nearest construction from the blast site that is neither owned nor leased by the person conducting or contracting for the blasting operation closest to the nearest loaded blast hole to be detonated;
5. The distance in feet and direction of the instrument locations from the blast site;
6. The type of surface at the instrument location;
7. The maximum peak particle velocity of any one of the three mutually perpendicular components of the ground motion in the vertical and horizontal directions at the specific location in inches per second and the frequency range of the blast; and
8. The sound measurement in decibels measured on the linear frequency response or the overpressure in pounds per square inch.

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).

In (b), substituted "mining office" for "plant" and "site" for "office"; rewrote (c)16; in (c)20, inserted "the maximum pounds per day"; rewrote (c)21; deleted former (c)22; amended and recodified (c)23 as 22; in (e)7, deleted "address and title of the person" and inserted "of the blaster"; rewrote (f)4; deleted language from (f)5 and 6; and in (f)7, substituted "blast" for "instrument".

12:190-3.20 Reporting

(a) Any accident involving explosives which results in an injury to a person or property damage shall be immediately reported by telephone to the appropriate officials of the Division of Workplace Standards by the permit holder for the explosives involved.

(b) Every person holding a "permit to manufacture, sell, store or use" explosives shall report immediately any loss by theft or otherwise of explosives in his possession to the appropriate officials of the Division of Workplace Standards.

(c) Every person holding a "permit to store or use" commercial explosives shall file monthly reports with the Office of Safety Compliance which are postmarked or faxed within 10 calendar days after the end of each calendar month using the Monthly Explosives Use Report, Form No. ES-400, except that when an employer is maintaining and submitting such reports, his or her employees holding "permits to use" explosives shall not be required to submit individual reports.

(d) Every person holding a "permit to sell" at retail, commercial explosives shall file monthly reports with the appropriate officials of the Division of Workplace Standards which are postmarked or faxed within 10 calendar days after the end of each calendar month using the Monthly Explosives Sales Report, Form No. ES-401.

(e) Monthly Explosive Use Report, Form No. ES-400, and Monthly Explosives Sales Report, Form No. ES-401 may be secured from the appropriate officials of the Division of Workplace Standards.

(f) Ground vibration recordings and air blast effect recordings shall be taken. A copy of the reports shall be forwarded to the Commissioner upon his or her written request.

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).

In (a), deleted "serious" preceding "property damage"; in (c), deleted "ten" and inserted "which are postmarked or faxed within 10 calendar"; in (d), deleted "ten" and inserted "which are postmarked or faxed within 10 calendar"; and deleted (g).

SUBCHAPTER 4. MANUFACTURE OF EXPLOSIVES

12:190-4.1 Scope of subchapter

This subchapter shall apply to explosives at explosives manufacturing establishments.

12:190-4.2 Buildings and magazines

(a) All buildings and magazines shall be approved.

(b) All buildings used for the manufacture of commercial explosives shall be located one from the other and from other buildings of the explosive manufacturing establishment in which persons are regularly employed in accordance with Table 4.2.

Table 4.2

Quantity and Distance for Commercial Explosives

Commercial Explosives		Distance	
pounds over	pounds not over	feet Unbarricaded	feet 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

Commercial Explosives		Distance	
pounds over	pounds not over	feet Unbarricaded	feet Barricaded
1,000	1,500	210	105
1,500	2,000	250	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	12,000	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
250,000	275,000	1,200	600
275,000	300,000	1,270	635

Note to Table

* Ten pounds or less may be stored in a separate building or in storage space properly separated by substantial dividing walls. Such a wall shall be designed to prevent, control, or delay propagation of explosions between quantities of explosives on opposite sides of the wall.

(c) All magazines for commercial explosives shall be located from explosive manufacturing buildings and other buildings of the explosive manufacturing establishment in which persons are regularly employed in accordance with Table 4.2.

(d) All explosive manufacturing buildings in which commercial explosives are stored shall be located from inhabited buildings, railways and public highways in accordance with N.J.A.C. 12:190-5.

12:190-4.3 Plan for explosive manufacturing establishment

(a) An initial "permit to manufacture" explosives shall not be issued unless a plan complying with (b) below has been submitted in triplicate to the commissioner for approval.

(b) The explosive manufacturing establishment plan shall show the location of all explosive manufacturing buildings, the distances they are located from other buildings on the premises, and from magazines. The plan shall show the distance of the explosive manufacturing buildings from inhabited buildings, railroads, and highways not on the premises of the explosive manufacturing establishment.

(c) The person holding a "permit to manufacture" explosives shall keep a copy of the explosive manufacturing plan in the main office of the establishment, which shall be open to inspection by the commissioner.

12:190-4.4 Fencing

Explosive manufacturing establishments shall be enclosed with an industrial type fence at least six feet high or an equivalent enclosure, when required by the commissioner.

12:190-4.5 Storage

(a) Two or more types of explosives may be stored together provided they are compatible and such storage does not increase substantially the probability of an incident or a hazard.

(b) Explosives shall not be stored in the vicinity of operations involving hazardous substances where an accident could detonate the explosives.

(c) Explosives being held for the manufacturing process line shall be stored in approved day boxes until needed in the process line.

(d) Explosives shall not be permitted to accumulate in any place in the explosive manufacturing establishment in such quantity that an accidental detonation of such explosives would create a danger to the public.

(e) All magazines shall be located in accordance with N.J.A.C. 12:190-5.10 through 5.17, as applicable.

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).

12:190-4.6 Assembly of ammunition primers and detonating fuses

(a) Manufactured explosive components used in the assembly of ammunition primers and detonating fuses shall be stored in magazines or approved dry boxes until needed in the assembly line.

(b) The explosive components in dry boxes shall not exceed 25 pounds.

(c) Explosive components packaged in non-mass detonating shipping packages shall be stored in a locked room or locked storage cabinet where no other items are stored.

(d) When shipping cartons containing explosive components are opened, the explosive components shall be stored in an indoor magazine until moved to the day-box at the assembly line. The total weight of explosives stored in any indoor magazine shall not exceed 50 pounds.

12:190-4.7 Blasting agents

Mixing of blasting agents shall be in accordance with N.J.A.C. 12:190-9.

12:190-4.8 Time of explosives testing

Testing explosives except during unusual conditions and when approved by the Commissioner, shall be conducted only during daylight hours, but shall not be conducted before 8:00 A.M. or after 6:00 P.M. on the day of testing.

New Rule, R.1998 d.110, effective March 2, 1998.

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

SUBCHAPTER 5. STORAGE OF EXPLOSIVES

12:190-5.1 Scope of subchapter

This subchapter shall apply to the storage of explosives in magazines.

12:190-5.2 Types of magazines

(a) For the purposes of this subchapter, magazines shall be grouped into four types; Type 1, Type 2, Type 3, Type 4, and Type UG magazines.

(b) The five types of magazines as listed in (a) above shall be defined as follows:

1. "Type 1 magazine" means a permanent outdoor magazine.

2. "Type 2 magazine" means an indoor magazine or an outdoor magazine that is portable or mobile, such as a skid magazine or a trailer or semi trailer.

3. "Type 3 magazine" means a portable magazine, such as a "day-box" or a magazine on skids.

4. "Type 4 magazine" means an indoor or outdoor magazine.

5. "Type UG magazine" means a magazine for the permanent storage of explosives in underground operations. See N.J.A.C. 12:190-5.20 for construction, location, and storage of Type UG magazines.

(c) The magazines defined in (b) above may be used for the storage of explosives as follows:

1. Type 1 magazines shall be used for the storage of high explosives or other classes of explosives.

**Table 5.13
Low Explosives**

Low Explosives		Distance in Feet from		
pounds over	pounds not over	Inhabited Building	Public Railroad and Highway	Above-ground Magazine
0	1,000	75	75	50
1,000	5,000	115	115	75
5,000	10,000	150	150	100
10,000	20,000	190	190	125
20,000	30,000	215	215	145
30,000	40,000	235	235	155
40,000	50,000	250	250	165
50,000	60,000	260	260	175
60,000	70,000	270	270	185
70,000	80,000	280	280	190
80,000	90,000	295	295	195
90,000	100,000	300	300	200
100,000	200,000	375	375	250
200,000	300,000	450	450	300

(c) The distances shown in Table 5.13 shall not be reduced by the presence of barricades.

12:190-5.14 Location of type 4 indoor magazines

Type 4 indoor magazines shall be located as provided for type 2 indoor magazines in N.J.A.C. 12:190-5.11.

12:190-5.15 Location of two or more outdoor magazines on the same property

(a) This section shall apply to the location of two or more type 1 or type 2 magazines on the same property.

(b) When two or more type 1 or type 2 magazines are located on the same property, each magazine shall be separated from each by the distance specified by Table 5.10 of this subchapter and shall comply with the distances specified in Table 5.10 of this subchapter from inhabited buildings, railways, and highways.

(c) If any two or more type 1 or type 2 magazines are separated from each other by less than the distances specified in the column reading "Separation of Magazines" of Table 5.10, then the two or more magazines, as a group, shall be considered as one magazine. The total quantity of explosives stored in that group shall then be treated as if stored in a single magazine and shall comply with the distances from other magazines, inhabited buildings, railways or highways of Table 5.10.

(d) All types of blasting caps in strengths through No. 8 cap shall be rated at one and one half pounds of explosives per 1,000 caps. For strengths higher than No. 8 caps, consult the manufacturer.

(e) For quantity and distance purposes, detonating cord of 50 to 60 grains shall be calculated as equivalent to nine pounds of high explosives per 1,000 feet. Heavier or lighter core loads shall be rated proportionately.

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

12:190-5.16 Location of ammonium nitrate and blasting agents from high explosives or blasting agents

(a) Ammonium nitrate and ammonium nitrate-based blasting agents shall be separated from nearby stores of high explosives or blasting agents referred to as the "donor" by distances as provided in Table 5.16.

**Table 5.16
Location of Ammonium Nitrate and Blasting Agents From High Explosives or Blasting Agents ***

Donor Weight		Minimum Separation Distance of Acceptor** When Barricaded feet		Minimum Thickness of Artificial Barricades Inches
Pounds Over	Pounds Not Over	Ammonium Nitrate	Blasting Agent	
0	100	3	11	12
100	300	4	14	12
300	600	5	18	12
600	1,000	6	22	12
1,000	1,600	7	25	12
1,600	2,000	8	29	12
2,000	3,000	9	32	15
3,000	4,000	10	36	15
4,000	6,000	11	40	15
6,000	8,000	12	43	20
8,000	10,000	13	47	20
10,000	12,000	14	50	20
12,000	16,000	15	54	25
16,000	20,000	16	58	25
20,000	25,000	18	65	25
25,000	30,000	19	68	30
30,000	35,000	20	72	30
35,000	40,000	21	76	30
40,000	45,000	22	79	35
45,000	50,000	23	83	35
50,000	55,000	24	86	35
55,000	60,000	25	90	35
60,000	70,000	26	94	40
70,000	80,000	28	101	40
80,000	90,000	30	108	40
90,000	100,000	32	115	40
100,000	120,000	34	122	50
120,000	140,000	37	133	50
140,000	160,000	40	144	50
160,000	180,000	44	158	50
180,000	200,000	48	173	50
200,000	220,000	52	187	60
220,000	250,000	56	202	60
250,000	275,000	60	216	60
275,000	300,000	64	230	60

* High explosives and blasting agents are donors. Ammonium nitrate, by itself, is not considered to be a donor.

** Ammonium nitrate and blasting agents are acceptors.

(b) If storage of ammonium nitrate is located within the sympathetic detonation distance of explosives or blasting agents, one-half the mass of the ammonium nitrate shall be included in the mass of the donor when calculating separation distances.

(c) When ammonium nitrate or a blasting agent or both is not barricaded, the distances shown in Table 5.16 shall be multiplied by six. These distances allow for the possibility of high velocity metal fragments from mixers, hoppers, truck bodies, sheet metal structures, metal containers, and the like which may enclose the "donor". Where storage is in bullet-resistant magazines recommended for explosives or where

the storage is protected by a bullet-resistant wall, the distances and barricade thicknesses need not exceed those prescribed in Table 5.10.

(d) Table 5.16 shall apply to the blasting agents which pass the insensitivity test in the definition of blasting agent of N.J.A.C. 12:190-2.1.

(e) Earthen dikes, sand dikes, or enclosures filled with the required minimum thickness of earth or sand shall be acceptable artificial barricades. Hills or timber of sufficient density shall be acceptable natural barricades.

(f) For determining the distances to be kept from inhabited buildings, passenger railways, and public highways, Table 5.10 shall apply. Ammonium nitrate, when stored with blasting agents or explosives, may be counted at one half its actual weight.

12:190-5.17 Storage in general

(a) All explosive materials shall be kept in locked magazines as prescribed by this subchapter unless they are:

1. In the process of manufacture;
2. Being physically handled in the operating process of a permit holder or user;
3. Being used; or
4. Being transported to a place of storage or used by a permit holder.

(b) No explosives shall be stored in a residence, except when approved by the Commissioner.

(c) No person shall store any explosive materials in a manner not in conformance with this subchapter. The storage standards prescribed by this subchapter confer no rights or privileges to store explosive materials in a manner contrary to 27 CFR Part 55.

(d) More than one type 4 indoor magazine may be located in any one building provided the total quantity of explosives stored does not exceed 50 pounds. Two or more indoor magazines within the same building shall be separated by a distance of not less than 10 feet or an approved wall having a fire resistance rating of not less than one hour.

(e) Detonators shall not be stored in the same magazine with other explosives, except as follows:

1. In a type 4 magazine, detonators that will not mass detonate may be stored with electric squibs, safety fuses, igniters and igniter cords; and
2. In a type 1 or type 2 magazine, detonators may be stored with delay devices, electric squibs, safety fuses, igniters and igniter cords.

(f) Combustible material shall not be permitted within 50 feet of outdoor magazines and 25 feet of indoor magazines.

(g) Flammable liquids shall not be permitted within 50 feet of outdoor magazines.

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

12:190-5.18 Storage within magazines

(a) All magazines shall be in the charge of a competent person at least 21 years of age.

(b) Explosives shall not be stored in any amount exceeding the quantity stated on the storage permit.

(c) Explosives may be stored unattended in types 1, 2, and 4 magazines.

(d) High explosives in excess of 50 pounds or more than 5,000 blasting caps shall not be stored in a type 2 indoor magazine.

(e) Explosives shall not be stored unattended in type 3 magazines.

(f) Low explosives in excess of 50 pounds shall not be stored in a type 4 indoor magazine. This quantity limit shall not apply to smokeless powder which is covered in N.J.A.C. 12:190-10.2.

(g) Any person storing explosive materials shall open and inspect his magazines at least every seven days. This inspection need not be an inventory, but shall be sufficient to determine whether there has been unauthorized removal of their contents.

(h) A permittee who intends to make modifications to or changes in a magazine, shall report such intention to the appropriate officials of the Division of Workplace Standards, prior to modifying the magazine.

(i) Acquired additional magazines shall not be utilized without obtaining a valid permit for such magazine.

(j) Plans shall be submitted for approval, when required by the Commissioner, before magazines are constructed and used.

(k) Explosives materials within type 1, 2, or 4 magazines shall not be placed directly against interior walls and shall be stored so as not to interfere with ventilation. To prevent contact of stored explosive materials with walls, a nonsparking lattice work or other nonsparking material shall be used.

(l) Containers of explosive materials shall be stored by being laid flat with top sides up. Corresponding classes as defined in 40 CFR Part 173, grades, and brands of explosives shall be stored together within a magazine in such a manner that grade, brand, and USDOT class marks are easily visible upon inspection. Stocks of explosive materials shall be stored so as to be easily counted and checked.

(m) Except with respect to fiberboard or other nonmetal containers, containers of explosive materials shall not be unpacked or repacked inside a magazine or within 50 feet of a magazine, and shall not be unpacked or repacked near other explosive materials. Containers of explosives materials shall be securely closed while being stored.

(n) Tools used for opening or closing containers of explosive materials shall be of nonsparking materials, except that metal slitters may be used for opening fiberboard containers. A wood wedge and a fiber, rubber, or wooden mallet shall be used for opening or closing wood containers of explosive materials. Metal tools other than nonsparking transfer conveyors shall not be stored in any magazine containing high explosives.

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

12:190-5.19 Storage in tunnels

(a) Explosives shall not be stored in tunnels where persons are located, unless such storage is approved.

(b) Immediately after the completion of explosive loading operations, all unused explosives in tunnels shall be removed to magazines complying with this subchapter.

12:190-5.20 Storage for underground mines

(a) This section shall apply to storage of explosives for underground mining operations.

(b) This section shall also apply to the construction and location of type UG magazines.

(c) A magazine for explosives shall not be permitted underground, until the underground workings are developed to a point where the magazine:

1. Is at least 300 feet from any shaft;
2. Is at least 15 feet from any haulage way or travel way;
3. Has a travel way to the nearest means of egress with at least two sharp turns;
4. Could not impede excavation of all persons in the event of accidental detonation of the explosives in the magazine; and
5. Is at least 50 feet from any magazine containing blasting caps.

(d) A type UG magazine shall be used for the storage of explosives underground.

(e) The amount of explosives stored underground in a mine in a magazine shall not exceed 5,000 pounds.

(f) Any explosives in excess of the amount required for one day's underground mining operations when stored un-

derground in a mine shall be stored in a Type 5 approved magazine constructed in accordance with (i) below.

(g) Daily supplies of explosives within a mine at any working place shall be kept in approved containers constructed in accordance with (j) below.

(h) Prior to closing any part of a mine, all explosives contained therein shall be removed.

(i) A type UG magazine shall be constructed:

1. In solid rock with the front opening constructed in accordance with Table 5.3 of N.J.A.C. 12:190-5.3;
2. With doors of 2 inches of hardwood covered with 26 gauge sheet metal or the equivalent;
3. With hinges and hasps complying with N.J.A.C. 12:190-5.3(j), (k), (l), (m), and (n);
4. With one padlock complying with N.J.A.C. 12:190-5.3 (k) and (l);
5. So that water will drain away;
6. With a floor that is wood lined or covered with wooden slats;
7. With doors having at least 16 gauge metal outer covering or equivalent fire resistive protection and lined with at least two inches of hardwood;
8. With no artificial heat;
9. Internal lighting by approved electric safety battery lamps or approved electric lights, wiring and equipment of a type designed for the hazardous location;
10. With adequate ventilation; and
11. With a conspicuous marking reading: "EXPLOSIVES".

(j) Containers shall be substantially constructed of plywood or equivalent at least one inch thick, painted red, and marked "Explosives" in letters of at least three inches in height on a contrasting background.

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

12:190-5.21 Housekeeping in magazines

(a) Magazines shall be kept clean, dry, and free of grit, paper, empty packages and containers, and rubbish. Floors shall be regularly swept.

(b) Brooms and other utensils used in the cleaning and maintenance of magazines shall have no spark-producing metal parts, and may be kept in magazines.

(c) Floors of magazines stained by leakage from explosive materials shall be cleaned according to instructions of the explosives manufacturer.

(d) When any explosive material has deteriorated, it shall be destroyed in accordance with the advice and instructions of the manufacturer of the explosive.

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

12:190-5.22 Smoking and open flames

(a) Smoking, open flames, matches, and other sources of ignition shall not be permitted;

1. In any magazine;
2. Within 100 feet of any outdoor magazine; or
3. Within any room containing an indoor magazine.

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

12:190-5.23 Repair of magazines

(a) Magazines shall be maintained in good repair.

(b) Before repairing and interior of magazines, all explosive materials shall be removed and the interior shall be cleaned.

(c) Before repairing the exterior of magazines, all explosive materials shall be removed if there exists any possibility that repairs may produce sparks or flame.

(d) Explosive materials removed from magazines under repair shall be:

1. Placed in other magazines appropriate for the storage of those explosive materials under this subchapter; or
2. Placed a safe distance from the magazines under repair where they shall be properly guarded and protected until the repairs have been completed.

12:190-5.24 Signs

(a) On the premises where a type 1 magazine, a type 2 outdoor magazine or a type 4 outdoor magazine is located, the holder of a "permit to store" explosives shall post a conspicuous warning sign which shall:

1. Read "EXPLOSIVES—KEEP OFF";
2. Have lettering at least three inches in height on a contrasting background;
3. Be so located that a bullet passing through the face of the sign will not strike the magazine.

(b) Type 2 indoor magazines and type 4 indoor magazines shall be labeled "EXPLOSIVES—KEEP FIRE AWAY".

(c) All type 3 magazines shall bear the word "EXPLOSIVES" in letters at least three inches in height and legible on a contrasting background.

(d) The provisions in (a) above shall not apply when it is deemed by the Commissioner that a warning sign would have counterproductive results.

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

12:190-5.25 Notification to municipality

(a) The holder of a "permit to store" explosives shall keep the fire official informed of:

1. The location of all magazines;
2. The maximum amount of explosives being stored;
3. The type and class of explosives being stored; and
4. Any consequential changes in the location of magazines, amount, type or class of explosives being stored.

Amended by R.1988 d.16, effective January 4, 1988.
See: 19 N.J.R. 1883(a), 20 N.J.R. 99(b).

SUBCHAPTER 6. TRANSPORTATION OF EXPLOSIVES OFF-THE-HIGHWAY

12:190-6.1 Scope of subchapter

This subchapter shall apply to the transportation of explosives off-the-highway, underground, and manually.

12:190-6.2 Transportation of explosives off-the-highway in motor vehicles

(a) This section shall apply to the transportation of explosives off-the-highway at the project site.

(b) When the blasting project is being performed in a location where the public, or workers not associated with the blasting, could approach, the explosives on the vehicle shall be kept locked in:

1. An approved transportation day-box meeting the specifications of a Type 3 magazine or complying with IME 22 specifications.

(c) No detonator may be transported on the same motor vehicle with other explosives, unless the provisions of 49 CFR 177.835 are complied with.

(d) No person shall smoke or carry matches or any other flame producing device while in, on, or within 100 feet of a motor vehicle transporting explosives.

(e) No matches, firearms, electric storage batteries, flammable substances, acids, oxidizing materials or corrosive compounds shall be carried in the body of any motor vehicle transporting explosives, except where permitted by 49 CFR Parts 390 through 397.

Recodified from N.J.A.C. 12:190-6.6 by R.1998 d.110, effective March 2, 1998.
See: 29 N.J.R. 4624(a), 30 N.J.R. 847(a).

SUBCHAPTER 7. USE OF EXPLOSIVES

12:190-7.1 Scope of subchapter

(a) This subchapter shall apply to the use of explosives.

12:190-7.2 Compliance

(a) Every mine operator employing the services of a blaster shall use every reasonable precaution to provide for the safety of his employees, all persons at the blast site, and the public in the vicinity of the blast site. Such operator shall comply with this subchapter.

(b) Every contractor and other persons employing the services of a blaster shall use every reasonable precaution to provide for the safety of all persons at the blast site and the public in the vicinity of the blast site. Such contractor and other person shall comply with this subchapter.

(c) Any of the following shall be jointly responsible for compliance with this chapter when involved in any way with blasting operations:

1. Any mine operator;
2. Any contractor;
3. Any sales individual, company firm or corporation providing the services of a blaster;
4. Any other employer of a blaster; and
5. Any blaster.

(d) Where a sales company supplies the services of a blaster to a customer, the sales company, the blaster and the customer shall be jointly responsible for compliance with this subchapter.

(e) Where blasting operations are conducted, all employers shall instruct all their employees associated with such operations in the provisions of this subchapter as they relate to employees.

(f) Where blasting operations are conducted, all employees shall comply with the provisions of this subchapter as they relate to the employees.

(g) No person utilizing the services of a blaster shall prevent compliance by the blaster, or encourage noncompliance by the blaster, with this chapter.

(h) All blasters, prior to and during the use of any explosives, shall comply with this subchapter and shall take all reasonable precautions not specifically set forth in this

subchapter to prevent endangerment of the public and property.

(i) Any person who uses explosives in research, metal cutting or forming, seismic testing, actuating devices or other use shall comply with the applicable provisions of this subchapter and provide additional safeguards when the nature of the use indicates that it is necessary in order to assure safety for persons and property.

12:190-7.3 Notification

(a) Any person intending to conduct a blasting operation shall notify the New Jersey Department of Labor, Division of Workplace Standards, Mine Safety Section in Trenton of such intention prior to conducting the blasting operation via phone followed by fax transmittal or in writing. Such notification must be received by the Division of Workplace Standards no later than 3:00 P.M. of the previous business day prior to conducting the blasting operation on forms specified by the Department of Labor. Illegible or incomplete notifications shall not be acceptable. Notifications shall include:

1. The contractor name and address;
2. The specific location of the blasting;
3. The intended time of the blast; and
4. The specific start and scheduled completion dates of the blasting operations.

(b) All blasting operations that are continuous projects shall be required to submit a single notice of intention to blast. A continuous project means blasting consecutively every day.

(c) Any person intending to initiate blasting operations shall notify the fire official having jurisdiction over the municipality in which the blasting operation is taking place, prior to conducting any blasting operations. Notification shall include:

1. The specific location of the blasting, and
2. The intended time of the blasting.

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).

Rewrote (a) through (c).

12:190-7.4 Documentation at the blasting site

Any person conducting blasting operations shall have at the blasting site a current permit to use explosives and evidence of insurance required by N.J.A.C. 12:190-7.5.

12:190-7.5 Insurance

(a) Any self-employed person in possession of a valid permit to use explosives for blasting purposes shall have an insurance coverage for blasting damage not less than

\$500,000 for property damage including explosion, collapse, and underground utility damage and \$500,000 to \$1,000,000 personal injury.

(b) Any person in possession of a valid permit to use explosives for blasting purposes who is working for any person, shall not use explosives for such person, unless the employer has a valid insurance policy for blasting damage not less than \$500,000 for property damage including explosion, collapse, and underground utility damage and \$500,000 to \$1,000,000 personal injury.

(c) Proof of the possession of a valid insurance policy covering blasting damage shall be readily available for inspection at the site.

(d) Nothing in (a) and (b) above shall be construed as preventing a greater insurance coverage for damage from blasting when requested by any person for whom blasting is being done.

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 required coverage amounts throughout.

12:190-7.6 Time of blasting operations

(a) Blasting, except during normal unusual conditions and when approved by the Commissioner, shall be conducted only during daylight hours, but shall not be conducted before 8:00 A.M. or after 6:00 P.M. on the day of blasting.

(b) Blasting shall not be conducted on Sundays except as approved by the Commissioner. Blasting on State legal holidays shall not exceed 100 pounds of explosives in any single blast, except as approved by the Commissioner.

(c) Loading of explosives into blast holes shall not be performed in other than daylight hours on the day of blasting, except as approved by the Commissioner.

(d) Where loading of blast holes has occurred and blasting cannot be safely accomplished within the limits prescribed by (a) and (c) above, the blast holes shall be attended until the explosives have been disposed of, and the person conducting the blasting operations shall notify the appropriate officials of the Division of Workplace Standards.

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).

In (a) and (b), substituted "Blasting" for "Surface blasting", and in (c) and (d) deleted "surface" preceding "blast holes".

12:190-7.7 Blasting in the vicinity of utility lines

(a) This section shall apply to:

1. Blasting operations in the vicinity of underground utility lines or exposed utility lines making contact with the earth's surface, which are, but not limited to, any of the following: gas, water, hydrocarbon, sewer, electric or telephone lines; and

2. Supporting foundations of utility lines when such utility lines are located above the earth's surface and the supporting foundations are in the vicinity of blasting operations.

(b) This section shall not apply to utility lines located above the earth's surface.

(c) The person conducting blasting operations shall make every reasonable effort to verify the exact location of utility lines located in the vicinity of such operations.

(d) When any person conducting blasting operations has no verification of the location of utility lines in the vicinity of such operations, but it is reasonable to assume that there are utility lines, the person conducting the blasting operations shall make a concentrated effort to locate the lines with regard to their horizontal distance from the nearest blast hole and their depth below the earth's surface.

(e) Whenever blasting is being conducted within 50 feet of electric, water, sewer, fire alarm, telephone, telegraph or steam utilities, the person conducting the blasting operations shall notify the appropriate representatives of such utilities at least 24 hours in advance of such blasting. Verbal notice shall be confirmed with written notice.

(f) Whenever blasting is being conducted within 200 feet of a railroad, the person conducting the blasting operations shall notify the appropriate representative of the railroad 24 hours in advance of such blasting. Verbal notice shall be confirmed with written notice.

(g) Whenever blasting is being conducted within 200 feet of any pipe distributing liquefied petroleum, manufactured, mixed or natural gas, the person conducting blasting operations shall notify the gas utility company having control of such gas at least three full working days (excluding Sundays or holidays) prior to blasting. Such notice shall be in writing and served personally or by registered mail.

(h) Whenever blasting is conducted on a single project for a period longer than one day, a single notice of intention shall constitute compliance with (e), (f), and (g) above.

(i) Any person conducting blasting operations in the vicinity of utility lines shall use:

1. A blast hole drilling pattern and blast initiation procedure that will provide the greatest relief possible in the direction away from the utility line; and

2. A type of explosive specifically designed to prevent propagation between blast holes.

(j) When explosives are on a blast site a road is to be maintained for accessibility of emergency equipment.

(k) Explosives at a blast site shall not be left unattended.

(l) Explosives shall not be abandoned, buried or covered over by any materials as a means of disposal.

(m) All empty explosives packages, packaged linings and other rubbish from explosives containers left after the blast shall not be used again but disposed of in a safe manner.

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).

Inserted a new (j) and recodified existing (j) through (l) as (k) through (m).

12:190-7.17 Blast hole loading

(a) Blasting operations shall be under the direct supervision of a blaster holding the proper grade permit to use explosives.

(b) The blast hole loading crew shall be limited to four helpers for each blaster holding a permit to use explosives. When two or more blasting crews are used, the crews shall be separated by a practical distance consistent with efficient operation and supervision of crews.

(c) No intoxicating liquors or drugs shall be allowed in the blast area. No persons under the influence of intoxicating liquors or drugs shall be allowed in the blast area.

(d) No smoking or open flame devices shall be allowed within 100 feet of the blast area except for devices used in the lighting of safety fuse.

(e) All handling and use of explosive materials shall be immediately discontinued upon the approach of a thunderstorm and all persons in the area shall immediately seek a safe place.

(f) When preparing initiating primers, the work shall be performed adjacent to the blast hole just prior to using the primer. A nonsparking punch shall be used for the making of the hole in the explosive cartridge so that the detonator can be completely encased in the cartridge freely. Once each primer charge has been assembled, it shall be inserted immediately into the blast hole.

(g) Primer cartridges shall not be split, dropped, forced, tamped, or abused in any way when inserting them into the blast hole.

(h) The loading of the blast holes shall be as close to scheduled firing time as possible. When there is a delay, the loaded blast holes shall be under the observation of a guard stationed in the area.

(i) No explosive materials shall be loaded and left overnight without the approval of the Commissioner.

(j) During the loading operation, the blaster shall have a helper with him or her at all times to assist in the loading operation.

(k) When using plastic pipe as a loading pole, there shall be a nonsparking plug at the end of the pole which is used for tamping the explosive charges.

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).

Deleted (b) and recodified existing (c) through (e) as (b) through (d); recodified existing (f) as (e) and deleted "static sensitive"; recodified existing (g) as (f) and added a new last sentence; recodified existing (h) and (i) as (g) and (h); recodified existing (j) as (i) and deleted "into a blast hole"; rewrote and recodified existing (k) as (j); and added a new (k).

12:190-7.18 Firing the blast holes

(a) Before firing a blast which could cause injury to persons or damage to property from fly-rock, the material to be blasted shall be properly covered with blasting mats.

(b) The blaster shall fix the time of blasting.

(c) Prior to connecting the firing line to the blasting machine or permanent firing line, the blaster shall be certain that all persons have been cleared from the blast area, all approaches to the blast area are guarded, the traffic stopped when blasting in proximity to highways, and the proper warning signals sounded.

(d) The blaster shall designate a competent person to operate the blasting machine when duties associated with the blasting operation require the blaster's attention in the operational area of the blast.

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

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

12:190-7.19 Inspection after blasting

(a) Immediately after a blast has been fired, the firing line shall be disconnected from the blasting machine and all blasting lines shall be shunted. When firing from an electric power source in underground blasting, the switches shall be locked in an "Off" or "Open" position and the lightning gap shall be open.

(b) No person shall enter an underground blast area until at least 15 minutes has elapsed after a blast.

(c) The blast site shall be inspected to determine if all charges have been fired before work is resumed.

(d) If explosives or blasting agents are suspected of burning in a blast hole, all persons in the blast area shall move to

a safe location and no person shall return to the blast area for at least one hour.

12:190-7.20 Misfires

(a) When a misfire is discovered, the blaster shall provide proper safeguards and notify his employer.

(b) No work shall be done except that necessary to remove the hazard of the misfire and only those employees necessary to do the work shall remain in the blast area.

(c) When broken wires, faulty connections or short circuits are determined to be the cause of a misfire, proper repairs shall be made and the charge refired, provided the burden has not been dangerously weakened.

(d) When the blast hole cannot be refired, the stemming may be removed from the misfired blast hole by the use of compressed air, water, or other suitable means. A new priming charge may be added, the hole restemmed, and fired providing there is no danger of fly-rock or other hazards. The use of the drill to remove stemming shall be prohibited.

(e) When unfired explosives are found in a muck pile all loading work shall be stopped. The pieces of explosives and broken rock shall be carefully removed by hand until the unfired hole is exposed. If there is no danger of fly-rock from the weakened burdens, the blaster may reprime the hole and fire. If there is a danger of fly-rock, the unfired explosives in the hole shall be washed out with water.

(f) If conditions preclude the procedure described in (e) above, the blaster in charge shall safeguard the area and notify the appropriate officials of the Division of Workplace Standards. All work in the blast area shall cease pending a joint investigation by the blaster and the appropriate officials of the Division of Workplace Standards.

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).

In (b), substituted "blast area" for "danger zone" and in (f), substituted "blast" for "danger".

12:190-7.21 Breaking boulders

(a) While loading block holes, other work shall not be allowed in the immediate area.

(b) Block holes shall contain at least 85 percent stemming material.

12:190-7.22 Bulk loading

(a) No person shall drive a vehicle or equipment over electric blasting caps, leg wires, connecting wires, detonating cord, loaded blast holes or other explosive materials.

(b) Liners shall not be used in blast holes, unless proper precautions are taken to prevent the accumulation of static electricity.

(c) Only truck mounted or portable units for mixing or loading blasting agents shall be used.

(d) The mixing and loading of blasting agents at the blast site for immediate use may be permitted under the following conditions;

1. When under the direct supervision of a licensed blaster;
2. When in a reasonably safe location, considering the quantities involved;
3. When using equipment, materials and methods approved by the commissioner as adequate to provide for proper and safe mixture without frictional heating, compaction or confinement; and
4. When in quantities at locations which are appropriate for storage, handling and transportation of blasting agents.

(e) Loading equipment shall be removed from the blast site promptly after the loading of the boreholes is completed.

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

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

In (a), inserted "loaded blast holes" at the end of the sentence.

12:190-7.23 Pneumatic loading of explosives

(a) Pneumatic loading equipment shall be constructed of materials compatible with the type of explosive materials to be used.

(b) Pneumatic loading equipment shall be used according to the recommendation of its manufacturer.

(c) A positive grounding device shall be used to prevent the accumulation of static electricity in the system. The ground shall be separated from any water line, air line, rail or permanent electrical grounding system.

(d) The air supply hose shall be nonconductive.

(e) The discharge hose shall be semi-conductive.

(f) All systems shall be evaluated by a competent person to insure that they will adequately dissipate static under potential field conditions.

(g) The compressed air supply shall be free of solid particles greater than 20 mesh size.

(h) The air pressure to the pneumatic loader shall not exceed the recommendations of the manufacturer. If necessary the supply shall be controlled by a pressure regulating valve in the air supply line. A pressure relief valve set at 10 percent above the loader's operating pressure shall be placed in the line ahead of the regulating valve.

(i) The temperature of the air supplied to the pneumatic loader shall not exceed 150 degrees F.

(j) When electric detonators are used, the leg wires shall be placed outside the discharge hose and kept away from the metal parts of the loader.

(k) The pneumatic loader shall not be used to place stemming in the blast hole.

12:190-7.24 Demolition

(a) Any person responsible for demolition by explosives shall comply with all applicable provisions of this Explosives Act, N.J.S.A. 21:1A-128 et seq., and these rules.

(b) A person intending to demolish by explosives any construction shall notify the appropriate officials of the Division of Workplace Standards at least 14 days in advance of the demolition.

(c) Where a construction is to be demolished by explosives the notification required by (b) above shall be in writing and provide the following information:

1. Name, address and owner of the construction to be demolished;
2. Name of the general contractor at the demolition site;
3. Name of the blasting contractor at the demolition site;
4. Height and type of construction to be demolished;
5. A control map on a scale sufficient to show all constructions, streets, utilities and other pertinent objects within 300 feet of the demolition site;
6. Name and address of the public official responsible for traffic safety in the vicinity of the demolition site;
7. Name and address of the construction official having jurisdiction over the demolition site; and
8. Name and address of the fire official having jurisdiction over the demolition site.

(d) A person intending to demolish a construction in a congested area shall prepare a blast plan showing the placement of explosives and initiation sequence of the explosive charges. Such a plan shall be prepared at least 10 working days before the blast and shall be kept at the demolition site for approval by the Commissioner.

(e) The Commissioner may require a test blast to determine the feasibility of the blast plan described in (d) above before the blast plan is approved.

(f) Upon approval of the plan by the Commissioner, the person in charge of the demolition project shall cooperate with the fire, police and construction official in providing for traffic and crowd control in the vicinity of the demolition site up to and at the time of firing the blast. Where there is no full-time construction official in the municipality, the person in charge of the demolition project shall cooperate with the police department. The person in charge of the demolition project shall arrange a meeting with the appropriate officials of the Division of Workplace Standards, the fire, police and construction official, and himself or herself to finalize all plans at least 20 hours before the firing time.

(g) Explosives for the demolition shall not be brought into the demolition site, until all salvage, pre-weakening testing, and similar activities are completed.

(h) All explosives at the demolition site shall be stored in a type 2 or type 3 magazine and shall be attended at all times up to the time of firing in the manner approved by the Commissioner and the fire, police and construction officials.

(i) At least 18 hours shall be provided between the completion of salvage and other work and the firing time to allow for the placement of explosives charges and the preparations of the precautions necessary to prevent flying materials which could cause injury to persons or property damage.

(j) Unconfined explosive charges such as detonating cord, shape charges and kickers shall be covered with energy absorbing materials which will reduce the air blast effects from the detonation of the explosives and to control fly rock.

(k) Only explosives commercially designed for the type of demolition being conducted shall be used unless the Commissioner approves the use of substitutes. In no case shall nonelectric systems be used.

(l) Prior to the detonation of the explosives, a two way communication system shall be established between the police official maintaining crowd control and traffic safety and the blaster firing the blast.

(m) The police official in charge of crowd control and traffic safety at the demolition site shall notify the blaster firing the blast prior to the final blast warning signal if the designed safety area surrounding the demolition site is not clear.

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).

In (a), added N.J.S.A. reference; in (b), deleted height qualifier; in (c), deleted distance qualifier; in (c)7 added "having jurisdiction over" and added a new (c)8; in (d), changed "three working days" to "10 working days"; in (f), added references to "fire" and "police"; in (h), rewrote the last part of the sentence adding references to "fire" and "police"; in (j), added "and to control fly rock" to the end of the sentence; and in (k), added the last sentence.

12:190-7.25 Air blast effects

(a) This section shall apply to air blast effects on a construction that is neither owned nor leased by the person conducting or contracting for the blasting operation closest to the nearest explosives to be detonated.

(b) All blasting shall be monitored by the blaster to determine air blast effects using an approved instrument operated by a competent person.

(c) The maximum allowable air blast at any building resulting from blasting operations shall not exceed 130 decibels peak when accurately measured by an instrument having a flat frequency response (± 3 decibels) over the range of at least 6 to 200 Hertz.

(d) The maximum allowable air blast at any building resulting from blasting operations relative to demolition of structure work only shall not exceed 140 decibels peak when measured by an instrument having a flat response (± 3 decibels) over the range of at least 6 to 200 Hertz.

(e) When blasting is of a continuing nature, 124 to 130 decibels shall be the caution range. When air blast effects are consistently within the caution range on six separate blasts, the blast shall be examined and changed so as to reduce air blast effects on subsequent blasts.

(f) For determining compliance with this section, an approved instrument that is operated by a competent person shall be used. An instrument is considered to be approved only when the instrument has been calibrated in accordance with the manufacturer's recommendations.

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).

In (a), added "closest to the nearest explosives to be detonated" to the end of the sentence; added a new (b); recodified existing (b) as (c) and deleted "inhabited" preceding "building" and inserted "accurately" preceding "measured"; recodified existing (c) as (d) and added language regarding demolition of structure work; recodified existing (d) as (e) and inserted "on six separate blasts" after "caution range"; and recodified existing (e) as (f) and substituted "An instrument is to be considered approved only when" for "An approved instrument shall include the concept that".

12:190-7.26 Ground vibration

(a) This section shall apply to ground vibrations on a construction closest to the nearest loaded blast hole to be detonated that are neither owned nor leased by the person conducting or contracting for the blasting operation.

(b) In planning any blast, precautions shall be taken to protect construction from damage.

(c) The limits for ground vibration when blasting shall be in accordance with Table 7.26(e) or (f) below. In no case shall the peak particle velocity at a construction exceed two inches per second except when permitted by N.J.A.C. 12:190-1.6.

(d) If the ground vibrations are not within the blasting criteria of (e) below due to either blast design or geological conditions, the Commissioner may require a modified control method for the blast site.

(e) This subsection shall apply to ground vibration limits for blasting operations.

1. The blasting shall be conducted so that the low frequency ground vibration does not exceed the limits of Figure 7.26(e).

(d) Smokeless powder not exceeding 400 pounds intended for resale shall be stored in non-portable storage cabinets as follows:

1. Not more than two cabinets in a building and not more than 200 pounds of smokeless powder in a single cabinet.
2. Cabinets located against walls of the warehouse or storage room with a minimum separation of 10 feet between cabinets.
3. Cabinets separated from flammable liquids, flammable solids and oxidizing materials by a wall having a fire resistance rating of not less than one hour or by a distance of 25 feet.

(e) Smokeless powder exceeding 400 pounds shall be stored in accordance with N.J.A.C. 12:190-5.

12:190-10.3 Black powder

(a) Black powder not exceeding 50 pounds may be stored in a residence. Black powder not exceeding five pounds stored in a residence shall be in approved USDOT shipping containers. Black powder exceeding five pounds but not exceeding 50 pounds in a residence shall be in a type 4 magazine.

(b) Black powder not exceeding 50 pounds intended for resale may be stored in any building and shall be in a type 4 indoor magazine.

(c) Black powder exceeding 50 pounds shall be stored in a type 4 outdoor magazine, outside of buildings.

12:190-10.4 Smokeless powder and black powder

If smokeless powder is stored in the same magazine with black powder, the total quantity of explosives so stored shall not exceed that permitted for black powder.

12:190-10.5 Conditions for sale

No person shall sell, give or deliver any smokeless powder or black powder to any person for any use unless such person has a valid permit for such use, except that smokeless powder in amounts not to exceed 36 pounds and black powder not to exceed five pounds may be sold to private persons for use in reloading small arms ammunitions for personal use and not resale.

12:190-10.6 Recordkeeping

Recordkeeping for smokeless powder and black powder shall be in accordance with N.J.A.C. 12:190-3.

New Rule, R.1998 d.110, effective March 2, 1998.
See: 29 N.J.R. 4624(a), 30 N.J.R. 847(a).

SUBCHAPTER 11. SALE OF EXPLOSIVES

12:190-11.1 Scope of subchapter

(a) This subchapter shall apply to the sale of commercial explosives, except as provided in (b) below.

(b) This subchapter shall not apply to the sale of explosives under contract to the U.S. Government nor to the sale of explosives from one manufacturer to another manufacturer.

12:190-11.2 Prohibitions

(a) No person shall sell, display or expose for sale any commercial explosives on any highway, street, sidewalk, public way or public place.

(b) Before a product line of explosives is offered for sale, the seller shall file a complete description of the explosives in such line and their packaging with the appropriate officials of the Division of Workplace Standards. A sales publication with a complete description of the explosives and packaging may be used to comply with this provision.

(c) No person shall sell, give or deliver explosives to any person not in possession of a valid permit to sell, store or use explosives. This provision shall not apply to an authorized representative of a valid permit holder who is on a certified list by the permit holder.

(d) No person shall sell, deliver or transfer explosives to a person whose possession of such explosives would constitute a violation of this chapter.

(e) No person shall load explosives onto a buyer's vehicle which readily can be observed to be not in compliance with N.J.A.C. 12:190-6.

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).

SUBCHAPTER 12. ADMINISTRATIVE PENALTIES AND HEARINGS

12:190-12.1 Penalties

(a) Any person violating any of the provisions of the Act shall be liable for a penalty of not less than \$100.00 nor more than \$5,000 for the first offense, not less than \$300.00 nor more than \$5,000 for the second offense and not less than \$500.00 nor more than \$10,000 for the third and each succeeding offense.

(b) Any violation of the Act by an officer, agent or employee shall also be deemed to be a violation by the

employer if the employer had knowledge of or actual control over the cause of such violation.

(c) Where the violation consist of a refusal to obey an order of the Commissioner, each day during which it continues shall constitute an additional, separate and distinct offense.

(d) The Commissioner, at his or her discretion, may compromise and settle any claim for a penalty imposed under the Act in such amount as he or she deems to be appropriate and equitable under all of the circumstances, including, but not limited to:

1. The past record of compliance with the provision of the Act by the alleged violator;
2. The degree of cooperation afforded to the Commissioner's representatives by the alleged violator in securing compliance with the provisions of the Act;
3. Whether the cited violation was willful in nature; and
4. Whether the cited violation resulted in injury or bodily harm.

12:190-12.2 Hearings

(a) No penalty shall be levied pursuant to N.J.A.C. 12:190-12.1 unless the alleged violator is first provided with:

1. Notification of the violation;
2. The amount of the penalty to be imposed; and
3. An opportunity to request a formal hearing.

(b) A request for a formal hearing shall be made in writing and received with 21 calendar days following receipt of the notice of violation.

(c) All hearings shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(d) If a hearing is not requested, the notice of violation shall become the final order upon expiration of the 21 day period following the receipt thereof.

(e) The alleged violator may request the initiation of a settlement conference at the time that the request for a formal hearing is made. If a settlement conference is requested, or the Department determines that a settlement conference would be useful, the settlement conference shall be scheduled and conducted by the Department within 30 days of the receipt of the request for a formal hearing.

(f) If a settlement is not agreed upon or no settlement conference is scheduled, a request for formal hearing shall be transmitted to the Office of Administrative Law (OAL).

(g) Payment of the penalty shall be due when a final agency determination is issued or when a notification becomes a final decision because no appeal has been filed.

(h) All payments shall be made payable to the Department of Labor in the form of a certified check or money order, or such other form as the Department deems suitable.

(i) Upon entry of the final order, the penalty imposed may be recovered with costs in a summary proceeding commenced by the Commissioner pursuant to the Penalty Enforcement Law, N.J.S.A. 2A:58-1 et seq.

SUBCHAPTER 13. STANDARDS AND PUBLICATIONS REFERRED TO IN THIS CHAPTER

12:190-13.1 Documents referred to by reference

(a) The full title and edition of each of the standards or publications referred to in the chapter are as follows:

1. 27 CFR Part 55, Commerce in Explosives;
2. 49 CFR Parts 171 through 178, Hazardous Materials Regulations;
3. 49 CFR Parts 390 through 397, Federal Motor Carrier Safety Regulations;
4. IME Safety Library Publications No. 20-1978, Radio Frequency Radiation Hazards;
5. NFPA No. 70-1990, National Electric Code;
6. N.J.A.C. 12:194, Model Rocketry;
7. N.J.S.A. 21:1A-128 et seq., Explosives Act;
8. N.J.S.A. 21:2-1 et seq., Manufacture, Storage and Transportation of Fireworks;
9. N.J.S.A. 21:3-1 et seq., Sale and Public Display of Fireworks;
10. 29 USC 651 et seq., Occupational Safety and Health Act; and
11. USPC-1980-20th Edition, United States Pharmacopeia.

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).

In (a)5, changed NFPA No. 70-1987 to NFPA No. 70-1990; deleted former (a)10; and recodified former (a)11 and (12) as (a)10 and (a)11.

12:190-13.2 Availability of documents for inspection

A copy of each of the standards and publications referred to in this chapter is on file and may be inspected at the following office of the Division of Workplace Standards between the hours of 9:00 A.M. and 4:00 P.M. on normal working days:

New Jersey Department of Labor
Division of Workplace Standards
PO Box 386
Trenton, New Jersey 08625-0386

Amended by R.1988 d.16, effective January 4, 1988.
See: 19 N.J.R. 1883(a), 20 N.J.R. 99(b).

Amended by R.1998 d.110, effective March 2, 1998.
See: 29 N.J.R. 4624(a), 30 N.J.R. 847(a).

Changed the address.

12:190-13.3 Availability of documents from issuing organization

Copies of the standards and publications referred to in this chapter may be obtained from the organizations listed below. The abbreviations preceding these standards and publications have the following meaning and are the organizations issuing the standards and publications listed in N.J.A.C. 12:190-12.1.

CFR—Code of Federal Regulations

Copies available from:
Superintendent of Documents
Government Printing Office
Washington, D.C. 20402

IME—Institute of Makers of Explosives

1575 Eye Street, N.W.
Suite 550
Washington, D.C. 20005

NFPA—National Fire Protection Association

Batterymarch Park
Quincy, MA 02269

NJSA—New Jersey Statutes Annotated

Copies available from:

Office of Safety Compliance
New Jersey Department of Labor
PO Box 386
Trenton, New Jersey 08625-0386

18 USC—United States Code

Copies available from:

Bureau of Alcohol, Tobacco and Firearms
U.S. Department of Treasury
2 Penn Center Plaza, Room 360

Philadelphia, PA 19102

29 USC—United States Code

Copies available from:

Occupational Health & Safety Administration
Department of Labor
1515 Broadway
New York, New York 10036

USPC—United States Pharmacopoeial Convention, Inc.

12601 Twinbrook Parkway
Rockville, MD 20852

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 the address.