



SAFETY REGULATION no. 20



*Establishing
Standards
for*

EXPLOSIVES PERMITS and FEES

NJ / KA 8

L1 / S1

20

1962



Effective January 15, 1962.

COPY NO. 2

BUREAU OF ENGINEERING & SAFETY

NEW JERSEY, DEPARTMENT OF LABOR & INDUSTRY
Trenton, N.J.

Division 2
Labor

This Safety Regulation No. 20 supersedes the following:

"Safety Regulation No. 20, Explosives Permits and Fees" which was filed with the Secretary of State on September 5, 1961

C O N T E N T S

SECTION		PAGE
	FOREWORD	1
1	PURPOSE AND SCOPE	3
1.1	Purpose	
1.2	Scope	
1.3	Exceptions	
2	DEFINITIONS	3
2.1	Approved	
2.2	Commissioner	
2.3	Department	
3	ANNUAL FEES FOR PERMITS	3
3.1	General Provisions	
3.2	Schedule of Annual Fees	
4	PERMIT RESTRICTIONS	5
5	PERMITS	5
5.1	Permit Applications	
5.2	Permit Classes	
6	PERMITS TO USE EXPLOSIVES	7
6.1	General Provisions	
6.2	Use Classification	
7	DUTIES AND OBLIGATIONS	9
7.1	Protection and Exhibition of Permits	
7.2	Reports on Accidents and Explosions	
7.3	Theft or Unlawful Removal	
7.4	Records of Transactions	
7.5	Change of Address or Ownership	
8	EXCLUDED EXPLOSIVES	12
9	REVOCATION OF PERMITS	13
9.1	Cause	
9.2	Procedure	
9.3	Surrender of Revoked Permit	

F O R E W O R D

This Regulation sets forth information and requirements concerning explosives permits and establishes a schedule of explosives permit fees consistent with the Law.

Explosives permits in effect at the time of promulgation of this regulation will not be disturbed by its requirements.

This Regulation is promulgated by the Commissioner of Labor and Industry of the State of New Jersey under authority of the Explosives Act, P. L. 1960, Chapter 55, R. S. 21:1A-128 through 21:1A-144, which provides:

The commissioner may make and promulgate rules and regulations necessary to further the purposes of this act. The rules and regulations may include requirements that are not mentioned specifically in this act but which are reasonably necessary for the safety of workers and the public and the protection of property. Such rules and regulations shall have the force and effect of law and shall be enforced in the same manner.

The term explosives as used in this Regulation is defined in the Law itself as follows:

"Explosives" 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 pressures are capable of producing destructive effects on contiguous objects. The term "explosives" shall include, but is not limited to commercial explosives, propellants and nitro-carbo-nitrates. The term "explosives", except as specifically stated in this act, shall not include small arms ammunition, explosives

in the forms prescribed by the official United States Pharmacopoeia, or fireworks regulated under Revised Statutes sections 21:2-1 through 21:2-7.

Prior to its promulgation a draft copy of this Regulation was forwarded to all holders of explosives permits inviting their review and comments.

SECTION 1 - PURPOSE AND SCOPE

- 1.1 **PURPOSE.** This Regulation is promulgated to establish reasonable minimum requirements and standards for permits to manufacture, sell, transport, use and store explosives in the interest of the life, health and safety of employees, as well as protection of property; and to establish a schedule of fees for such permits.
- 1.2 **SCOPE.** This Regulation is applicable to every person who manufactures, sells, transports, uses or stores explosives in this State.
- 1.3 **EXCEPTIONS.** In cases of practical difficulty or unnecessary hardship, the Commissioner may grant exceptions from this Regulation provided that a request for such exception has been made in writing. Exceptions can only be granted when it is clearly evident that a satisfactory and safe condition is attained, but cannot be granted in any case where conflict would be created with mandatory requirements of the law.

SECTION 2 - DEFINITIONS

- 2.1 *Approved* - approved by the Commissioner.
- 2.2 *Commissioner* - the Commissioner of the Department of Labor and Industry, or his authorized representative.
- 2.3 *Department* - the Department of Labor and Industry.

SECTION 3 - ANNUAL FEES FOR PERMITS

3.1 GENERAL PROVISIONS

- 3.1.1 Correct fees must be forwarded with applications for permits.
- 3.1.2 Check or money order shall be made payable to the Commissioner of Labor and Industry.

3.2 SCHEDULE OF ANNUAL FEES

The following fees shall be payable for a permit to manufacture, sell, transport, use, or store explosives as indicated.

3.2.1 MANUFACTURE (Quantities are per year)

Not more than 500 lbs. of explosives manufactured	\$ 25.00
Over 500 lbs. but less than 5,000 lbs. of explosives manufactured	50.00
Over 5,000 lbs. but less than 10,000 lbs. of explosives manufactured	100.00
Over 10,000 lbs. of explosives manufactured	150.00

3.2.2 SELL

Retail sale	\$ 10.00
Wholesale, or wholesale and retail	50.00

3.2.3 TRANSPORT

Per vehicle	\$ 5.00
Per vehicle operated by a person to whom no other form of permit has been issued	10.00

3.2.4 USE

\$ 10.00

3.2.4.1 Use by farmers on agricultural lands

\$ 1.00

3.2.5 STORE

Up to and including 100 lbs.	\$ 10.00
Not more than 500 lbs.	15.00
" " " 1,000 lbs.	20.00
" " " 2,000 lbs.	25.00
" " " 5,000 lbs.	30.00
" " " 10,000 lbs.	35.00
" " " 20,000 lbs.	40.00
" " " 30,000 lbs.	45.00
" " " 40,000 lbs.	50.00
" " " 50,000 lbs.	55.00
" " " 75,000 lbs.	70.00
" " " 100,000 lbs.	85.00
" " " 150,000 lbs.	100.00
" " " 200,000 lbs.	115.00
" " " 250,000 lbs.	130.00
" " " 300,000 lbs.	145.00
Over 300,000 lbs.	150.00

Up to and including 100 caps	\$ 10.00
Not more than 1,000 caps	15.00
" " " 5,000 caps	20.00
" " " 10,000 caps	25.00
" " " 100,000 caps	30.00
" " " 200,000 caps	35.00
" " " 300,000 caps	40.00
" " " 400,000 caps	45.00
" " " 500,000 caps	50.00
" " " 1,000,000 caps	75.00
" " " 5,000,000 caps	100.00
" " " 20,000,000 caps	125.00

SECTION 4 - PERMIT RESTRICTIONS

- 4.1 No person shall manufacture, sell, transport, store or use explosives unless a permit shall have been issued as herein provided, except for specific exemptions made in the Explosives Act, P. L. 1960.
- 4.2 No explosives shall be sold, given or delivered to any person not in possession of a permit.
- 4.3 No permit can be assigned or in any way transferred.
- 4.4 No permit holder shall manufacture, sell, transport, store or use explosives except in compliance with the limitations expressed on the permit.
- 4.5 No person under twenty-one years shall be issued a permit to manufacture, sell, transport, store or use explosives.

SECTION 5 - PERMITS

5.1 PERMIT APPLICATION

- 5.1.1 Making any false representation for the purpose of procuring a permit shall be cause for revocation.
- 5.1.2 Application for a permit shall be made to the Commissioner on forms provided by him and shall contain such information as the Commissioner may require.
- 5.1.3 Initial applications for a permit to use explosives for blasting purposes shall be accompanied by two photographs and two completed sets of fingerprint cards.

- 5.1.4 Applications for annual renewal of permits will be mailed by the Commissioner to the permit holder's address as shown on the previous application.
- 5.1.5 If an application for renewal is filed with the Commissioner before the expiration of the old permit, the renewal will become effective when the old permit expires. No renewal permit shall be issued more than thirty days before the expiration date.
- 5.1.6 If an application for renewal is filed after the expiration of the old permit, the effective date of the renewal shall be the date when the permit is actually issued.

5.2 PERMIT CLASSES

- 5.2.1 *To Manufacture* - authorizes the manufacture, possession and storage of materials in process, development materials and finished products. It covers the purchase of explosives and ingredients for manufacture of explosives. A person having, or a person employed by a person having, a permit to manufacture explosives is not required to have a permit to use explosives where the nature of the use is incidental to manufacture or development.
- 5.2.2 *To Sell* - authorizes the purchase, possession and sale of explosives. It is required of jobbers, wholesalers, dealers and retailers, whether or not they physically handle, store or have possession of the explosives. This permit is also required for all non-residents who desire to sell explosives within the State.
- 5.2.3 *To Transport* - authorizes the transportation of explosives in or on any vehicle in this State. No such permit is required for transportation of explosives which is subject to, and in conformity with, the regulations of the Interstate Commerce Commission, the United States Coast Guard or the Civil Aeronautics Board.

No permit shall be required where such transportation is not on the highways. Samples of explosives for examination in a laboratory only and not intended for use or demonstration may be transported without a permit when the quantity does not exceed either one hundred blasting caps or ten pounds of other explosives.

5.2.4 *To Store* – authorizes the purchase of explosives and the storage of explosives in an approved magazine within the quantities expressed on the permit. In the case of explosives storage on agricultural lands for use by farmers one permit may cover separate magazines for explosives and caps.

5.2.5 *To Use* – authorizes the use of explosives for such purposes and under such conditions as are specified on the permit.

SECTION 6 – PERMIT TO USE EXPLOSIVES

6.1 GENERAL PROVISIONS

6.1.1 *Minimum Qualifications.* The applicant for an initial permit to use explosives must demonstrate to the satisfaction of the Commissioner that he has had adequate education, training and experience in the use of explosives in any grade authorized by the permit applied for. Before a permit to use explosives will be issued the applicant must pass a qualifying examination given by the Commissioner. The examination may be written, oral or by such other means as necessary to determine that the applicant is competent to conduct blasting operations and to perform the duties of a blaster.

6.1.2 Any holder of a permit to use explosives who is convicted of a violation of the Explosives Law may be required to pass a qualifying examination as a condition to the retention of his permit.

6.1.3 Any person whose permit to use explosives for blasting purposes has been revoked may be required to pass a qualifying examination before the permit is reinstated.

6.1.4 No person shall perform any blasting operation other than that which is specified on the permit.

6.1.5 Any person whose permit has lapsed for a period of one year or more may be required to pass a qualifying examination before renewal.

6.2 USE CLASSIFICATION

GRADE	SUB-GRADE	CATEGORY	DESCRIPTION
A	None	Unlimited	All types of blasting.
B		Quarries and Open pits	
	1	Primary	All primary and secondary blasting.
	2	Secondary	Blockholing and bank and seam shots only.
C	None	Underground mines	All phases of blasting operations in underground mines
D	None	Tunnels and Shafts	Not applicable to tunnel and shaft development in conjunction with underground mining operations.
E		Construction	
	1	General Construction	All general construction blasting.
	2	Trenches and foundations	Trench and foundation blasting only.
	3	Limited quantity	All general construction blasting but limited to not more than 50 pounds per blast.
F	None	Demolition	All phases of blasting in demolition projects.
G	None	Agriculture	Blasting on farms but limited to not more than 50 pounds per blast.
H	None	Special	Use in research processes; or use as a component part or ingredient in the manufacture of any product; or seismic prospecting; or well shooting; or test firing of articles or devices containing explosives; or other special use described on the face of the permit.

A special permit entitles the holder only to that use described on its face.

SECTION 7 – PERMIT HOLDER–DUTIES AND OBLIGATIONS

7.1 PROTECTION AND EXHIBITION OF PERMITS

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

7.1.2 The loss or theft of any permit shall be reported immediately.

7.1.3 Permits shall be exhibited in conformity with the following provisions.

a. *To Manufacture* – the permit shall be posted at the plant where explosives are manufactured.

b. *To Sell* – shall be posted at the location where explosives are sold; provided, however, that

(1) Any person who sells explosives from more than one specified location as listed on the permit shall be permitted to have a photostatic copy of the original posted at each place of business.

(2) Any person who sells explosives other than from a specified location within the State shall have the permit available at the place of business from which the explosives are sold.

c. *To Transport* – shall be kept in the vehicle at all times.

d. *To Store* – the original copy shall be posted in the storage magazine, and the duplicate kept on file at the place of business.

e. *To Use* – shall be in the possession of the permit holder.

7.2 REPORTS ON ACCIDENTS AND EXPLOSIONS

Any explosion or fire which occurs in connection with the manufacture, sale, transportation, storage or use of explosives, shall be reported to the Department whenever there is loss of life or injury to any person, or damage to property. It

is not required to report the normal testing or destroying of explosives, or blasts within barricades adequate to contain explosion.

7.3 THEFT OR UNLAWFUL REMOVAL

The theft or unlawful removal of explosives shall be reported immediately to the Department by the permit holder having responsibility.

7.4 RECORDS OF TRANSACTIONS

7.4.1 GENERAL — To make it possible at all times to know or ascertain the source and ultimate disposition of all explosives covered by the Law, all permit holders shall comply with the following:

- a. Keep a complete record of all transactions in, or operations involving explosives until the end of the calendar year next following the year in which the transaction or operations involving explosives occurred.
- b. An accumulation of invoices, sales slips, delivery tickets or receipts, or similar papers representing individual transactions will satisfy the requirement for complete records. Such papers must be retained by the permit holder and furnished to the Commissioner upon request as evidence of the accuracy of the record.

7.4.2 MANUFACTURE

- a. The record of a person having a permit to manufacture must include the following information:
 - (1) the amount and kinds manufactured.
 - (2) the amounts and kinds acquired for manufacture.
 - (3) the names and addresses of the persons from whom acquired and the dates on which acquired.
 - (4) the amounts and kinds sold or otherwise disposed of.
 - (5) the names, addresses and the numbers and dates of permits, of persons to whom sold or otherwise

disposed of, and the dates of the sales or other disposition.

- (6) the amounts and kinds on hand at each location at the end of each day on which there are transactions or operations.

7.4.3 SELL

a. The record of a person having a permit to sell must include the following information:

- (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 the numbers and dates of permits of persons to whom sold or otherwise disposed of, and the dates of the sales or other dispositions. This requirement shall not apply to the sale of exempt quantities of smokeless powder.
- (5) the amounts and kinds on hand at each location at the end of each day on which there are transactions or operations.

7.4.4 STORE

a. The record of a person having a storage permit must include the following information:

- (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 used, the places where used and the dates on which used.
- (4) the amounts and kinds on hand at each location at the end of each day on which there are transactions or operations.

7.5 CHANGE OF ADDRESS OR OWNERSHIP

The Department shall be notified promptly when

- a. The permanent address of a person who possesses a permit to use explosives is changed.
- b. The ownership of any business possessing permits is changed.
- c. The business address of any person possessing permits is changed.

SECTION 8 - EXCLUDED EXPLOSIVES

8.1 Permits to sell, transport, store or use any of the following excluded explosives will not be issued:

- a. Liquid nitroglycerine
 - b. Dynamite, except gelatine dynamite, containing over sixty percent (60%) of liquid explosives ingredient.
 - c. Dynamite having an unsatisfactory absorbent, or one that permits leakage of a liquid explosive ingredient under any condition liable to exist during storage.
 - d. Fulminate of mercury in bulk in a dry condition and fulminate of all other metals in any condition except as a component part of manufactured articles not hereinafter forbidden.
 - e. Explosives compositions that ignite spontaneously or undergo marked decomposition when subjected for forty-eight consecutive hours or less to a temperature of seventy-five degrees C.
 - f. Explosives condemned by the commissioner.
 - g. Explosives not packed or marked in accordance with the requirements of the Interstate Commerce Commission.
 - h. Explosives containing an ammonium salt and a chlorate.
- 8.2 In any action taken by the commissioner regarding Section 8.1 he will be guided by the recommendations of:

- a. The Bureau of Explosives of the American Association of Railroads.
- b. United States Bureau of Mines.

SECTION 9 - REVOCATION OF PERMITS

9.1 A permit for the sale, transportation, storage or use of explosives may be revoked by the commissioner for any of the following reasons:

- a. Non-compliance with any order issued by the commissioner within the time specified in such order.
- b. Proof that the permit holder has been convicted of a misdemeanor or high misdemeanor.
- c. Proof that a permit holder is disloyal to the United States.
- d. Violation by the permit holder of the terms specified on the permit, or essential changes in the conditions under which the permit was issued.
- e. Violation by the permit holder of any of the provisions of the Explosives Law.

9.2 PROCEDURE

9.2.1 In any case where the commissioner revokes a permit, he will notify the permit holder of the revocation. Said notice will state:

- a. the specific charges upon which the revocation is based;
- b. that upon written request a hearing before the commissioner will be held within ten days after the date of the revocation.

9.2.2 If the hearing is held before the commissioner he shall state his findings and conclusions in writing and transmit a copy to the permit holder.

9.3 SURRENDER OF REVOKED PERMIT

Upon notice of the revocation of any permit the permit holder shall immediately surrender to the commissioner the permit revoked and all copies thereof.