

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF MINING AND RECLAMATION**

**DOCUMENT NUMBER:** 562-2402-501

**TITLE:** Blaster's License Suspension and Revocation Procedure

**EFFECTIVE DATE:** July 15, 2002

**AUTHORITY:** Section 2(f), General Safety Law  
Administrative Code of 1929  
Explosives Act of 1957  
Non-Coal Surface Mining Conservation and Reclamation Act  
Surface Mining Conservation and Reclamation Act  
25 Pa. Code Chapters 210 and 211

**POLICY:** The Department considers blaster's license suspension or revocation to be an appropriate enforcement action for serious violations, particularly incidents with potential to injure people or damage property or any deliberate act in violations of the blasting regulations.

**PURPOSE:** To provide a uniform procedure for the suspension and revocation of a blaster's license.

**APPLICABILITY:** Any blasting activity at which serious or deliberate violations of the blasting regulations occur, particularly incidents that have a high potential to injure people or damage property.

**DISCLAIMER:** The policies and procedures outlined in this guidance document are intended to supplement existing requirements. Nothing in the policies or procedures shall affect more stringent regulatory requirements.

The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of the Department to give these rules that weight or deference. This document establishes the framework, within which the Department will exercise its administrative discretion in the future. The Department reserves the discretion to deviate from this policy statement if circumstances warrant.

**PAGE LENGTH:** 4

**LOCATION:** Volume 12, Tab 32

## **TECHNICAL GUIDANCE:**

### **Definitions**

*Serious violations* - violations which pose a significant risk of affecting the health and safety of individuals or which result in significant damage to buildings or other structures. Examples include, but are not limited to:

- ⚡ Blasts that cause flyrock.
- ⚡ Blasts detonated without ensuring that the blast area is cleared and safeguarded (inadequate safety zone).
- ⚡ Blasts that generate gases which affect the health and safety of individuals.
- ⚡ Blasts that cause serious structural damage to homes.

*Deliberate violations* - violations where the blaster willfully or through gross negligence conducts blasting operations in violation of state law and regulation.

## **TECHNICAL GUIDANCE:**

**Note:** Blasting is recognized as an ultrahazardous activity. The blaster-in-charge is responsible for insuring that the public is protected from those hazards. The blaster-in-charge will be held to a high standard of care.

### **Initial Contact**

Upon becoming aware of a serious or deliberate violation, the Blasting and Explosives Inspector must contact his supervisor, the District Mining Office Compliance Manager, and the Chief, Explosives and Safety Section, by telephone, voice mail, or e-mail with general information on the incident, including the county, township, permittee, permit number, blaster's name and license number.

### **Investigation**

The District Mining Office will conduct a thorough investigation to determine the details of the incident resulting in the violation. The investigators should include at a minimum the Blasting and Explosives Inspector and the Surface Mine Conservation Inspector, if applicable. The investigation should be conducted as soon as possible.

At a minimum the Department's investigators should:

- a. Interview the blaster, driller, members of the blasting crew and other employees of the operation, and affected members of the public. Statements are to be recorded in writing.

- b. Examine the blast record, explosives purchase invoice, site maps, and the drill log.
- c. Take photographs of the area of the incident.
- d. Take measurements and prepare a map or sketch of the relative location of important features, including the safety zone.
- e. Check the blaster's license to determine if previous violations have been cited against the blaster.

### **Investigation Report**

The Blasting and Explosives Inspector must provide a written report of the investigation of the incident to his/her supervisor, the District Mining Office Compliance Manager, and the Chief, Explosives and Safety Section, within 30 days of the incident. The Chief, Explosives and Safety Section, will compile records of serious or deliberate violation incidents to provide information to prevent future problems.

### **Enforcement Action**

Action on blaster's licenses will be considered on a case-by-case basis. If an inadequate safety zone had been established or moderate, or greater, property damage had occurred, license suspension should be considered and a fact-finding meeting is necessary.

### **Fact-Finding Meeting**

Fact-finding meetings may be held at the District Mining Office or Harrisburg. When the case is evaluated and a determination is made that a fact-finding meeting is necessary, a letter will be sent to the blaster from either the District Mining Office or the Chief, Explosives and Safety Section. The letter will indicate the date, time, reason for the meeting, and request that, if the blaster wishes to bring legal counsel, the Department is to be notified 7 days in advance of the meeting.

The fact-finding meeting will be chaired by the Chief, Explosives and Safety Section. At a minimum the Blasting and Explosives Inspector who cited the violation and the Chief, Explosives and Safety Section, must attend the meeting. If the blaster brings legal counsel, the Department must also have legal counsel present.

Information presented by the blaster at the fact-finding meeting and the report of the incident prepared by the Blasting and Explosives Inspector will be used to determine the action taken. A written report based on the fact-finding meeting and the conclusions reached will be prepared by the Chief, Explosives and Safety Section.

## **License Suspension**

The Suspension Order shall specify the date of the meeting, the statutory authorities, indicate the regulatory violations by Section and Chapter, and confirm the license suspension period. The requirements for license reinstatement shall also be stated and the right of appeal shall be specified. The Suspension Order shall be signed by Chief of the Explosive and Safety Section and hand delivered or sent to the blaster by certified mail.

License suspensions may be for a minimum of 3 days to a maximum of 3 years. The duration of the suspension will be determined after the fact-finding meeting examining the case and will consider the blaster's 3-year history of compliance.

When a blaster's license is suspended the length and date of the suspension will be recorded in the comments section of the electronic license record. After 3 years from the end date of the suspension, the suspension information will be removed from the record.

## **Revocation**

Revocation of a blaster's license is appropriate for incidents with a high degree of negligence or seriousness. If a recommendation to revoke a Blaster's License is reached after the meeting, the recommendation will be forwarded to the Bureau Director, District Mining Operations and the Bureau Director, Bureau of Mining and Reclamation. If the Bureau Director, District Mining Operations and the Bureau Director, Bureau of Mining and Reclamation concur with the recommendation for blaster's license revocation the Bureau Director, Bureau of Mining and Reclamation will direct the Chief, Explosives and safety to prepare a revocation order.

The Revocation Order shall specify the date of the meeting, the statutory authorities, indicate the regulatory violations by Section and Chapter. The right of appeal shall be specified. The Revocation Order shall be signed by Chief of the Explosive and Safety Section and hand delivered or sent to the blaster by certified mail.