

**RULES AND REGULATIONS OF
SAFETY FIRE COMMISSIONER**

CHAPTER 120-3-10

**RULES AND REGULATIONS FOR
EXPLOSIVES AND BLASTING AGENTS**

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120-3-10-.01 Promulgation and Purpose.

(1) These Rules and Regulations for Explosives and Blasting Agents are promulgated and adopted by the Georgia Safety Fire Commissioner as contemplated by and pursuant to authority set forth in O.C.G.A. Sections 25-2-4, 25-2-17, and 25-8-9. The manufacture, possession, transportation, distribution or use of explosives within the State of Georgia except as provided in these Rules and as provided in Chapter 7 of Title 16 of the Official Code of Georgia Annotated is a criminal offense and violators shall be subject to criminal prosecution and forfeiture of property as well as administrative penalties as provided in these Rules.

(2) The purpose of these Rules and Regulations is to prevent the loss of life, injury of persons, and loss or damage to property in the handling, use, manufacture, storage, and transportation of explosives and blasting agents. These Rules and Regulations supersede former Rules and Regulations promulgated by the Georgia Safety Fire Commissioner pertaining to explosives and blasting agents when such are in conflict with these Rules and Regulations.

Authority. O.C.G.A. Sections 25-2-4, 25-2-17, and 25-8-9.

120-3-10-.02 Definitions. The definitions contained herein are in addition to or in clarification of those contained in the adopted standards.

(1) “Applicant” is any person representing or affiliated with the owner of a facility that requires the possession or use of explosives.

(2) “Authority Having Jurisdiction” means the State Fire Marshal of Georgia or his/her designee.

(3) “Competency Card” means the picture identification card issued by the State Fire Marshal establishing an individual’s competency in a chosen field of blasting.

(4) “Blasting Operation” means the use of explosives in the blasting of stone, rock, ore, or any other natural formation or in any construction or demolition work, but shall not include the use of explosives in agricultural operations and private and personal use of explosives in remote areas for such operations as ditching, land clearing, destruction of beaver dams and other such operations when not within a 750 feet of a roadway or inhabited structure.

(5) “Blasting Report” is a report that includes the requirements of O.C.G.A. Section 25-8-8 and meets the requirements of 120-3-10-.06.

(6) “Bulk storage” means storage of any explosive materials or blasting agents.

(7) “Commissioner” means the Georgia Safety Fire Commissioner.

(8) “DOT” means the United States Department of Transportation.

(9) “GPSC” means the Georgia Public Service Commission.

(10) “Individual” means any person, firm, business, partnership, organization, association, corporation, or individual.

(11) “License” or “Explosives License” means the written authority of the State Fire Marshal, issued pursuant to these rules and regulations to manufacture, possess, store, sell, use, or transport explosives and blasting agents and is required by any person who manufactures, buys, sells, possess, stores, uses, or transports explosives.

(12) “Licensed Blaster” is a person who through training and experience is qualified to supervise blasting activities in a specific field of blasting and possesses a Level III Competency Card.

(13) “Manufacturing” means mixing, blending, extruding, assembling, disassembling, chemical synthesis, and other functions involved in making a product or device that is intended to explode.

(14) “Permit” or “Explosives Permit” means the written authority of the designated elected county official, issued pursuant to these regulations to purchase for use, and use only, of a designated amount of explosives. A permit is a single or one-time transaction authorization and may not be used for repeated purchase or for a location other than that specified on the permit.

(15) “Responsible Person” means the individual or individuals, designated on an explosive license application, that possess, store, or transport explosives and are approved by the State Fire Marshal's Office to engage, under the direct supervision of a Blaster, in any use of explosives.

(16) “Smokeless Propellant” means the propellant referred to in NFPA 495 (2001 Edition) as solid propellants, commonly referred to as smokeless powders, used in small arms ammunition, cannons, rockets, or propellant-actuated devices.

Authority. O.C.G.A. Sections 25-2-4, 25-2-17, and 25-8-9.

120-3-10-.03 Administration.

(1) Requirements for License or Permit

(a) A License issued by the State Fire Marshal shall be required for the following:

1. For the manufacture of any explosives and blasting agents.
2. To purchase, to offer for sale, sell, give away or otherwise convey, transport, store, possess, or use (except as authorized for use under a Permit) any explosives or blasting agents.
3. To maintain any facility for unloading, reloading, or transshipment of explosives or blasting agents.

(b) Any company that is issued a license pursuant to these Rules and Regulations is not exempt from obtaining any other license or permit that may be required by other government agencies.

(c) A Permit issued by the State Fire Marshal or designated county official shall be valid under the following conditions:

1. A Permit shall be valid only for personal use and shall not be issued to companies to conduct commercial blasting or blasting for profit. Commercial blasting or blasting for profit activities requires a license issued by the State Fire Marshal's Office.
2. A Permit shall be valid only for a single transaction and shall only be used in the county where the permit is issued.
3. A Permit shall be valid only for a single transaction and does not authorize storage. All explosives listed on the Permit must be purchased at one time and used on the day of purchase or returned to the vendor the same day.
4. Explosives purchased under a Permit shall be transported only from the explosive vendor's location to the location where the explosives are to be used without deviation or cessation in transit.

(d) The following shall be exempt from License or Permit requirements:

1. Any person may purchase without license or permit and keep on hand for their personal use smokeless propellant powder and small arms primers for hand loading small arms ammunition.

2. All persons or entities moving explosives and blasting agents under the jurisdiction of the Federal Department of Transportation.

3. All members and organizations of the armed forces of the United States or of this state or any of the several states and personnel assigned or attached to such agencies when acting in an official capacity.

4. All law enforcement, fire services and emergency management and regulatory agencies of this State, the United States or any of several states and personnel assigned or attached to such agencies when acting in their official capacity.

5. All persons or entities using explosive materials in medicines and medicinal agents in forms prescribed by the most recent edition of the official United States Pharmacopoeia or the National Formulary.

6. Any individual, who is otherwise authorized to possess explosives pursuant to Article 4 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated, may transport explosives within the State of Georgia without license or permit required by these Rules provided that the point of origin of the shipment was outside the State of Georgia and the transportation of such explosives is in compliance with the regulations governing the transportation of explosives issued by the United State Department of Transportation.

7. Any individual, who is otherwise authorized to possess explosives pursuant to Article 4 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated, may purchase and possess for sporting, recreational or cultural purposes:

(i) Not more than 50 pounds of commercially manufactured black powder,

(ii) Percussion caps, safety and pyrotechnic fuses, quills and slow matches, or friction primers.

(2) License and permit fees:

(a) License fees and Permit fees shall be in accordance with Chapter 2 of Title 25 of the Official Code of Georgia annotated, Section 25-2-4.1, and shall be attached to the application and made payable to the Commissioner.

(3) Application for License, Competency Certificate or Permit:

(a) Application for License:

1. The applicant for a license shall, at his or her own expense, furnish the State Fire Marshal with such information as the State Fire Marshal may require.

2. Any Applicant requesting a license shall make application in an approved format to the State Fire Marshal. The Applicant will designate the Responsible Persons in the application.

3. An application to transport, or which includes transportation of explosives and blasting agents, shall be accompanied by an affidavit that the vehicles to be used to transport have been inspected by a qualified person and found to be in safe condition and in compliance with these regulations. Such inspection may be performed by a certified mechanic, an automotive repair or service garage or similarly recognized inspection stations.

4. An applicant for a license or for designation as a Responsible Persons shall be subject to the following conditions:

- (i) Shall be subject to a criminal records check.
- (ii) Shall not have been convicted of a felony.
- (iii) The Responsible Person shall submit a negative drug screen.

5. An applicant for a license or for designation as a Responsible Person must be 21 years of age and shall not be addicted to the use of, have a history of, or be under the influence of intoxicants, narcotics, controlled substances or other dangerous drugs.

6. Responsible Persons shall provide information to indicate that they have training experience and/or a working knowledge of the safe use of explosives.

7. All applicants for a license or for designation as Responsible Persons shall certify that they are familiar with Chapter 120-3-10 of the Commissioner's Rules and Regulations and NFPA 495.

8. All Applicants for a license shall provide documentation of explosives licenses issued by federal authorities, such as the Bureau of Alcohol, Tobacco and Firearms, or by other states.

9. All Applicants for a license shall list on the application the field(s) of blasting in which the licensee is to engage. All commercial explosive licenses to use explosives will be issued by the Commissioner in the following specified field(s):

- (i) Construction,
- (ii) Surface Mining,
- (iii) Underground Mining.

10. All Responsible Persons shall submit to the Commissioner a notarized certification denoting the specific explosive/blasting field in which he or she has successfully been trained or certified.

11. All Responsible Persons shall obtain, and subsequently retain, a “Competency Card” issued by the Commissioner. The “Competency Card” issued by the Commissioner shall clearly state the blasting field or fields in which the licensee for Responsible Person has been licensed or approved to perform. There will be three levels of certification recognized by the State Fire Marshal’s Office.

(i) Level I – Entry level that includes laborers and Bulk Truck Drivers requiring background check and drug testing.

(ii) Level II – Meet Level I requirements and completion of approved curricula.

(iii) Level III – Meet Level II requirements and three years experience in a specific field of blasting.

(iv) The Commissioner will recognize the following curricula, and other equivalent program(s) as minimum requirements for competency training:

(I) I.S.E.E. Level 1, Blasting Fundamentals, which should include all Federal, State and local regulations,

(II) the Surface Blaster Competency Study Course approved by the Georgia Construction Aggregate Association,

(III) the Certification program developed by the Dimensional Stone Industry or other programs approved by the State Fire Marshal’s Office.

(v) Beginning January 1, 2007, anyone possessing a Level III Competency Certification will be required to take continuing education courses approved by the Commissioner and shall take no less than eight (8) hours every two (2) years.

(vi) Exception to Certification: Applicants for permits to use explosives in agricultural operations and private and personal use of explosives in remote areas for such operations as ditching, land clearing, destruction of beaver dams and other such operations that is not within 750 feet of an occupied structure or roadway.

12. Every Responsible Person must be able to produce a “Competency Card” upon demand of the Commissioner or his or her representative or by any local authority having jurisdiction over blasting activities.

(i) All applications for licensure for designation as a Responsible Person submitted by an applicant shall include in the application, and the annual renewal application, the full name, date of birth, social security number, and address of the applicant or Responsible Person, photo and

address of the applicant, including a one (1) inch horizontal by one and one fourth (1¼) inch vertical photograph with the licensee's or Responsible Person's signature below the photograph. The name of the licensee employing the Responsible Person and employer's business name shall be shown on the application. The application shall indicate such additional information as may be required by the Commissioner or by these rules and regulations. Photographs shall be required and submitted every four years thereafter following the initial date or update of the issuance of a "Competency Card".

(ii) Those exemptions as are established in Chapter 120-3-10 of the Rules of the Safety Fire Commissioner and Chapter 7 of Title 16 of the Official Code of Georgia Annotated shall apply.

(b) Fire Marshal's action on application for License:

1. Upon receipt of an application for license and before the license is issued, the State Fire Marshal may make, or cause to be made, an investigation for the purpose of ascertaining if all requirements of these rules and regulations have been met by the applicant.

2. If the results of the investigation of the State Fire Marshal are found to be in conformity with the requirements of these rules and regulations, the State Fire Marshal shall issue the license upon the payment of the proper fee therefore.

(c) Posting or Availability of License or Permit:

1. Any license or permit issued shall be posted in a location so that the State Fire Marshal, his representatives and inspectors, or any other authorized person may examine it. Such posting may be in the storage facilities, office area and storage magazines. A license issued to a person without fixed storage facilities shall be available at the operation location.

2. A copy of a license issued pursuant to these Rules that authorizes an individual to transport explosives shall be in the possession of the driver of the vehicle.

3. Any facility that is licensed or permitted pursuant to these Rules is subject to inspection by the State Fire Marshal's Office or their representatives, or any law enforcement or fire service official at any time.

4. A Photostat or mechanically reproduced copy of any license or permit may be used for these purposes.

(d) Presenting Evidence of License or Permit:

1. The license or permit issued shall be presented to vendors or other persons selling or otherwise conveying explosives and blasting agents to the license or permit holder. A Photostat or mechanically reproduced copy of the license may be used for this purpose.

(e) Application for Permit:

1. The applicant for a permit to purchase for use and use only explosives or blasting agents shall make application to the designated elected county official or his duly appointed assistant or agent in writing on the form provided by the State Fire Marshal or its equivalent. Full identification of the applicant shall be made to the official to whom application is made and shall be subject to the following:

(i) The applicant shall be subject to a criminal records check.

(ii) The applicant shall not have been convicted of a felony.

(iii) The applicant shall certify that he or she has a working knowledge of the safe use of explosives and is familiar with the Rules and Regulations of the Commissioner Chapter 120-3-10 and NFPA 495.

(iv) The applicant shall certify that the permit will not be used by persons or companies who conduct commercial blasting or blasting for profit.

(v) The applicant shall be at least 21 years of age and shall not be addicted to the use of or under the influence of intoxicants, narcotics, controlled substances or other dangerous drugs.

(f) County Official's action on application for Permit:

1. Upon receipt of a duly executed application for a permit to purchase for use, and use only, the designated elected county official or his or her appointed assistant or agent shall ascertain to his or her satisfaction that the applicant is the true party named in the application, and if satisfied, he or she may grant and issue the permit. Permits will be issued in quintuplicate, one copy for the issuing officer's files, three copies to the applicant including the original, and one copy for forwarding to the State Fire Marshal. The designated county official or his or her assistant or agent may withhold a permit from any individual when he or she deems issuing such a permit not in the best interest of public safety or security.

2. Explosives and blasting agents are to be used only in the county that the permit is issued.

3. This permit does not authorize storage.

4. No later than the 10th of each month, the County Official will provide the State Fire Marshal's Office documentation of all permits that were issued and returned during the previous month.

(4) Records:

(a) All persons required by these rules and regulations to obtain a license from the State Fire Marshal shall keep an accurate record of all explosives and blasting agents purchased, received, sold, delivered, on hand, used, or otherwise disposed of. Records shall be clear and legible. Records shall be maintained for a minimum period of three years as follows:

1. For distributors, dealers, persons giving away or otherwise conveying explosives and blasting agents, including salesmen where delivery is direct from out of the State and no other record of such a sale is maintained in Georgia, the records shall include at least the following:

(i) The date of sale or transaction.

(ii) The name of person purchasing and/or receiving explosives and blasting agents.

(iii) The license or permit number of the person purchasing or receiving explosives and blasting agents, unless the recipient is exempt from requiring a license or permit, in which case the person must be clearly identified by name and agency to show exempt status and the record or sales slip shall be signed by that person.

(iv) The quantity and description of explosives and blasting agents sold or otherwise disposed of.

(v) The location of the operation where explosives and blasting agents are to be stored, used, delivered to, or otherwise disposed of.

2. For users and other persons possessing and/or storing explosives and blasting agents, the records shall include at least the following:

(i) The date of receipt of explosives and blasting agents.

(ii) The quantity and description of explosives and blasting agents received.

(iii) The date of use or other disposal of explosives and blasting agents and quantity used or disposed of.

(b) Handling of Explosives Permits:

1. Any person who sells, gives away, delivers, or otherwise disposes of or conveys explosives and blasting agents to another person who presents a valid explosives permit shall withdraw two (2) copies of the permit, the original and vendor's copies, at the time of the sale or transaction. The vendor's copy shall be retained by the person selling or disposing of the explosives and blasting agents and the original shall be forwarded to the State Fire Marshal.

2. The person using an explosives permit shall retain the purchaser's copy of the permit which serves as the authorization for him to have the described explosives in his possession.

3. Within one working day or 24 hours, whichever comes first, of expiration of the one-time use permit, the individual issued the permit will return all unused explosives to the vendor and the expired permit to the issuing County Official.

(5) The Insurance Commissioner may appoint a Blasting Advisory Committee whose role shall be only to be available to the Commissioner to advise on rule changes, review and issue best

practices and safety bulletins and provide advice as deemed appropriate by the Commissioner or their designated liaison to the Committee. The Committee shall meet as determined by the Commissioner but no less than twice per year. The Committee will consist of 7 members; three will serve an initial term of 2 years and four will serve 3 years. The Commissioner shall initially appoint a Chairperson to serve a two year term thereafter the Committee shall elect the Chair in January of each alternate year. The membership of the Committee shall include no less than 1 representative from the aggregate mining industry, 1 representative from the utility contractors industry, 1 representative from the explosives industry, 1 representative from the drilling and blasting industry, 1 representative from the vibration analysis industry, 1 representative from law enforcement and 1 representative to be selected from a related industry. The duties of the Committee may include;

(a) A review of incidents involving injury to persons or property damage due to handling, use, manufacture, storage, or transportation of explosives and blasting agents.

(b) Communication on issues dealing with best industry practices related to the handling, use, manufacture, storage or transportation of explosives and blasting agents.

(c) Peer review of complaints related to the use, handling, manufacture, storage, or transportation of explosives and blasting agents.

(d) Peer review of proposed revisions, additions, deletions, or changes to the Georgia Law and/or Rules and Regulations dealing with the use, handling, storage or transportation of explosives and blasting agents; and

(e) Any issue as deemed appropriate by the Insurance Commissioner's Office.

Authority. O.C.G.A. Sections 25-2-4, 25-2-17, and 25-8-9.

120-3-10-.04 Administrative Action by Commissioner and Hearings.

(1) Any license, or competency certificate may be refused or a license or competency certificate duly issued may be suspended or revoked, if the Commissioner finds that the applicant for or the holder of the license or competency certificate:

(a) Has violated any provision of Chapter 8 of Title 25 of the Official Code of Georgia Annotated, or any other law or regulation of this state, or any federal law or regulation relating to the manufacture, purchase, use, handling, storage, sale or transportation of explosives or blasting agents;

(b) Has intentionally misrepresented or concealed any material fact in any application for a license, competency certificate or on any form filed with or submitted to the Commissioner or the State Fire Marshal;

(c) Has permitted any person employed by the license or competency certificate applicant or holder, either by direct instruction or by reasonable implication, to violate any provision of Chapter 8 of Title 25 of the Official Code of Georgia Annotated;

(d) Has failed to comply with or has violated any order issued by the Commissioner;

(e) Has shown a lack of trustworthiness or a lack of competence to act as a licensee or competency certificate holder under Chapter 8 of Title 25 of the Official Code of Georgia Annotated;

(f) Has failed to provide documentation or records, or refused to appear in response to any Order entered by the Commissioner or any written demand by the Commissioner, State Fire Marshal or his or her designated representative sent by registered or certified mail or statutory overnight delivery to the last known address of the applicant or holder of a license as shown in the records of the State Fire Marshal;

(g) Has been convicted of a felony, or has an officer, director or owner of the applicant for, or holder of, such license or competency certificate who has been convicted of a felony by a final judgment in any jurisdiction of the United States or in any federal court;

(h) Has had a license, competency certificate or other authority to engage in the manufacture, sale, storage, use or transportation of explosives or blasting agents, refused, revoked, suspended or otherwise disciplined, by any lawful licensing authority of any other jurisdiction or by the United States; or,

(i) Has experienced any event or occurrence involving the manufacture, sale, storage, use or transportation of explosives or blasting agents, resulting in unintended loss or damage to property or resulting in severe bodily injury or loss of life.

(2) A license or competency certificate which is subject to refusal, suspension or revocation may be issued or placed on probation for a period of not less than three months and not longer than 12 months and shall be subject to immediate revocation for cause at any time without a hearing. Any order of probation shall prescribe the terms of probation.

(3) The Commissioner may impose a monetary fine of up to \$1,000.00 against the holder of a license or a competency certificate for each and every violation of a provision of Chapter 8 of Title 25 of the Official Code of Georgia Annotated, any of these rules or regulations or any order of the Commissioner.

(4) Any order entered by the Commissioner regarding the refusal, suspension, revocation, or the issuance or placing on probation of any license or competency certificate applicant or holder, or imposing a monetary fine, and any hearing which may result from the same, shall conform insofar as possible to the following:

(a) Any order of the Commissioner refusing, suspending or revoking a license or competency certificate to any applicant or holder, or issuing or placing any license or competency certificate on probation, shall be issued in writing and be signed by the

Commissioner and shall state its effective date, shall state concisely its intent and purpose, the grounds on which it is based and the provisions of Title 25 of the Official Code of Georgia Annotated or any rule or regulation of the Commissioner upon which it is to be taken;

(b) Any order or notice may be served by delivery to the license or competency certificate holder or applicant by delivery in person or by mailing it, postage prepaid, by registered or certified mail or statutory overnight delivery to the principal place of business or the last known address of the applicant for or holder of a license or competency certificate as shown in the records of the State Fire Marshal;

(c) Any person aggrieved by any order of the Commissioner refusing, suspending or revoking a license or competency certificate for any applicant or holder, or issuing or placing any license or competency certificate on probation, or imposing a monetary fine, may make a written demand for a hearing if made within ten days of the date of its receipt;

(d) Any demand for a hearing shall specify in what respects the person requesting the same is aggrieved and the grounds to be relied upon as a basis for the relief to be demanded at the hearing. Unless postponed by mutual consent or by request and for good cause shown, the hearing shall be held within 30 days after receipt by the Commissioner for such hearing;

(e) Pending the hearing and decision following the hearing, the Commissioner may suspend or postpone the effective date of his or her previous action;

(f) The hearing shall be held at the place designated by the Commissioner and shall be open to the public. Not less than ten days in advance, the Commissioner shall give notice of the time and place of the hearing;

(g) The Commissioner shall preside over any hearing, unless he or she refers the matter for hearing to the Office of State Administrative Hearings as provided for under the provisions of Title 50 of the Official Code of Georgia Annotated.

(h) The Commissioner shall allow any party to the hearing to appear in person or by counsel, to be present during the giving of all evidence, to examine witnesses, to present evidence in support of their own interest and to have subpoenas issued by the Commissioner;

(i) Formal rules of pleading or evidence need not be observed at any hearing;

(j) Upon written request seasonably made by any party to the hearing, and at their expense, the Commissioner shall cause a full record of the proceedings to be made. If transcribed a copy of such record shall be furnished to the Commissioner without cost to the Commissioner or the state and shall be a part of the Commissioner's record of the hearing;

(k) Within 30 days after termination of the hearing or the transcription and furnishing of a copy of the record of such hearing to the Commissioner, if a record is requested, the Commissioner shall make his or her order thereon covering matters involved in the hearing and shall provide a copy of the order to those persons given notice of the hearing;

(l) The order shall contain a concise statement of the facts as found by the Commissioner, a concise statement of his or her conclusions therefrom, and the effective date of the order, which may affirm, modify or nullify the action theretofore taken; and,

(m) Any party to the hearing may appeal any order of the Commissioner as provided for by the provisions of Section 25-2-10 of the Official Code of Georgia Annotated.

Authority O.C.G.A. Sections 25-2- 4, 25-2-17, 25-8-9 and 25-8-11

120-3-10-.05 Special Provisions.

(1) Any person who by license or permit is authorized to manufacture, sell, possess, transport, distribute or use explosives shall report any incident of larceny, fires, accidental explosions and accidents involving explosives and blasting agents as follows:

(a) Within 24 hours of discovering the loss of any explosives or evidence that there has been an attempted theft of any explosives, notify the State Fire Marshal's Office and the nearest regional office of the Georgia Bureau of Investigation (GBI) and the local law enforcement agency having jurisdiction over the location where the loss or attempted theft occurred. The GBI shall also notify the State Fire Marshal's Office of the loss or attempted theft through the GCIC system.

(b) In the event of a fire, accidental detonation or other accident involving explosives, immediately notify the officer in charge of the responding local fire services and emergency personnel of the type, quantity and characteristics of explosives involved and of any special precautions or measures which must be taken to protect life or property. As soon as the incident is under control but no later than the next business day after the incident, notify the State Fire Marshal's Office in writing of the facts and circumstances of the incident.

(c) In the event of a Fly Rock incident that includes any materials leaving the designated blast site, the State Fire Marshal's Office shall be notified of the event and the circumstances connected to the event within 4 hours of the event. NFPA 495 (2001 Edition), Chapter 10.3 Fly Rock shall be the governing guideline for this requirement.

(2) Modification of Requirements:

(a) Upon receipt of a sworn affidavit from the owner stating all relevant facts and circumstances and such other information as may be required, the State Fire Marshal may recommend to the Commissioner that specific requirements of this Chapter and the NFPA codes, standards and recommended practices adopted herein, be modified to allow alternative arrangements that will secure as nearly equivalent measures as are practical for the prevention of injury to persons and property. The Commissioner in his discretion may accept the State Fire Marshal's recommendation and grant the requested modification.

(3) Criminal Penalty for Violations:

(a) Any person who manufactures, sells, possesses, transports, distributes, or uses an explosive except as provided in Chapter 7 of Title 16 and Chapters 2 and 8 of Title 25 of the Official Code of Georgia Annotated shall be subject to criminal prosecution as provided by law.

(b) Any person or entity that is issued a license or permit pursuant to these Rules that violates any provision of these Rules shall be subject to the administrative penalties prescribed by law.

(4) Persons authorized to buy, sell, otherwise convey, possess, handle, use or transport explosives and blasting agents:

(a) No person under the age of 21 years old shall be authorized to buy, sell, otherwise convey, possess, store, use, or transport explosives and blasting agents, except for an active duty member of the armed forces of the United States or of this state or any of the several states and personnel assigned or attached to such agencies when acting in an official capacity.

Authority. O.C.G.A. Sections 25-2-4, 25-2-17, and 25-8-9.

120-3-10-.06 Standards for Manufacture, Storage, Transportation, Handling and Use of Explosives and Blasting Agents.

Unless otherwise stated in this chapter, the following editions of the codes, standards, recommended practices, guides and methods, as published in the *National Fire Codes (NFC)* by the National Fire Protection Association (NFPA), as adopted and modified herein, and sections of the *International Fire Code (IFC)*, as published by the International Code Council (ICC), as adopted and modified herein, shall be the state minimum fire safety standards for the manufacture, storage, transportation, handling and use of explosives and blasting agents.

(1) NFPA 495, 2001 Edition, *Explosives Materials Code*
Modifications:

(a) Modifications to Chapter 3:

1. Delete subsection 3.2.2 in its entirety and substitute in its place the following:
“3.2.2 Authority Having Jurisdiction. The State Fire Marshal of Georgia or his/her designee.”

(b) Modification to Chapter 4:

1. Delete section 4.2 in its entirety

2. Delete section 4.3 in its entirety

3. Delete section 4.4 in its entirety

4. Delete section 4.5 in its entirety

5. Delete section 4.6 in its entirety

(c) Modification to Chapter 10:

1. Add a new subsection 10.1.5 to read as follows:

“10.1.5 The velocity/shock wave of any blast shall not exceed 2” PPV at 40Hz or greater. At lower frequencies use the established limits in the vibration criteria as presented in the U.S. Bureau of Mined RI 8507.”

2. Add a new subsection 10.2.2 to read as follows:

“10.2.2 The air blast criterion as presented in the US Bureau of Mines RI 8485 defines limits on air overpressure resulting from blasting activities and establishes 140dbl as an acceptable level for compliance related to damage to structures.”

(2) NFPA 498, (2001 Edition), *Safe Havens and Interchange Lots for Vehicles Transporting Explosives*

Modifications: None

(3) IFC Section 3305, (2006 Edition), *Manufacture, Assembly and Testing of Explosives, Explosive Materials and Fireworks*

Modifications:

(a) Modification to section 1:

1. Add a new subsection 3305.1.1 to read as follows:

“3305.1.1 For the purpose of section 3305 of the IFC, (2006 Edition), the fire code official shall mean the State Fire Marshal of Georgia.”

(4) Submission of Site Plans, Permanent Installation Plans/Plan Review Fees: To assure compliance to the standards, complete plans and specifications for all explosives storage facilities shall be submitted in duplicate to and receive approval by the State Fire Marshal before installation is started. Such plans shall be drawn to scale and be of sufficient detail and clarity as necessary to indicate the nature and character of the proposal and its compliance with this Chapter. One set of the plans shall be retained by the State Fire Marshal and one copy shall be returned to the applicant with the approval or disapproval indicated thereon. A copy of the approved plans shall be kept available at the construction site for inspection by authorized representatives of the State Fire Marshal. Pursuant to O.C.G.A. Section 25-2-4.1, the plans shall be accompanied with the mandatory plan review fee payable to the Commissioner. Pursuant to O.C.G.A. Section 25-2-16, the plans shall bear the seal and Georgia registration number of the drafting architect or engineer or shall otherwise have the approval of the Safety Fire Commissioner or his designee.

Authority. O.C.G.A. Sections 25-2-4, 25-2-17, and 25-8-9.

120-3-10-.07 Blasting Report.

(1) A Blasting Report consisting of a pre-blast report, drilling log and a post-blast record will be required on all blasting events. Individual company forms may be acceptable when approved by the State Fire Marshal's Office and must provide the information required by O.C.G.A. Section 25-8.8.

(2) The licensed blaster must note on the pre-blast report the proximity to the closest structure or roadway and the distance to the nearest seismograph, when required,

(3) The pre-blast report must contain documentation of the following information:

(a) Company, Company License Number, Date, and Location;

(b) Describe Nearest Structure including Distance and Direction from Shot;

(c) Type of Shot with Minimum Planned Scaled Distance or Regression Data;

(d) Max and Min Borehole depth, Borehole diameter, and Max Charge Weight at Closest Distance;

(e) Products, Type of Rock, Pattern with Burden and Spacing, and Powder Factor;

(f) Stemming feet, Stemming Type, and Stemming Length Ratio Relative to Burden;

(g) Cover/Existing Overburden with Amount and Type, and Direction to Open Face;

(h) Date of Bulk Explosive Truck Calibration (if used); and

(i) Conditions with high fly rock potential, including but not limited to over confined shots, lift shots, outfall/wet conditions, spacing and burden exceeding the depth of any borehole in shot, and/or hole deviation. Document measures taken to compensate for high fly rock potential.

(4) A drill log shall be maintained on all blasting events to allow the blaster to take the appropriate action if an anomaly occurs. The licensed blaster must have this drill log available before the loading process begins.

(5) Stemming material shall consist of properly sized crushed stone. When adequate stemming length is not possible, matting of either earthen cover or a man-made material like synthetic rubber to insure proper confinement is required.

(6) A seismograph shall be used at the nearest structure during blasting events that are within 750 feet of the nearest house, public building, school, church, commercial or institutional

building and roadway. The velocity/shock wave shall not exceed the established limits of U.S. Bureau of Mines RI 8507; appendix (b).

Exception: Where all pedestrian and vehicular traffic on a roadway can be restricted to a distance of 750 feet or greater from the blast site at the time of the firing of the blast or where a variance is issued by the State Fire Marshal's Office.

(7) Seismographs will be calibrated by manufacturer certified technician at least of one time per year.

(8) Bulk metering equipment will be calibrated by a qualified individual on a quarterly basis.

(9) A signed copy of a blast report for all blasts shall be retained by the blasting firm for a period of three (3) years. Upon request, a copy of the report shall be sent to the State Fire Marshal's Office.

(10) When blasting activities are conducted within 750 feet of an occupied structure or roadway, charge length shall be held to a maximum of 20 feet per deck and hole size will be limited to a maximum of 4 inches. In addition, there shall be a minimum of 6 foot of earthen cover or a man-made synthetic matting material. All facilities with a valid mining permit issued by the Georgia EPD, Land Branch Division, will be exempt from these requirements.

Authority. O.C.G.A. Sections 25-2-4, 25-2-17, and 25-8-9.

120-3-10-.08 Standards for Storage of Ammonium Nitrate. The standards recommended by the National Fire Protection Association and as published in NFPA Pamphlet No. 490 (2002 Edition), shall be accepted as standards for storage of ammonium nitrate in this State, and are hereby adopted.

Authority. O.C.G.A. Sections 25-2-4, 25-2-17, and 25-8-9.

120-3-10-.09 Forms.

(1) Unless otherwise indicated, and to the extent provided, each filing required under this Regulation Chapter is to be made on forms or electronic format obtained from the Safety Fire Division.

(2) Forms may be reproduced and may be altered to accommodate manual or automated processing provided the same information is presented in the same order as in the forms or electronic format obtained from the Safety Fire Division.

(3) Any form filed electronically requiring a signature shall contain the electronic signature of the person filing the form, as defined in O.C.G.A. Section 10-12-3.

(4) The Safety Fire Division may approve a method or methods of electronic filing.

Authority. O.C.G.A. Sections 25-2-4, 25-2-17, and 25-8-9.

120-3-10-.10 Notes.

(1) The NFPA codes and standards adopted in this Chapter are on file in the Safety Fire Division and are available for viewing.

(2) Copies of the NFPA codes and standards may be obtained from:

National Fire Protection Association
Batterymarch Park
Quincy, Massachusetts 02269
Phone: 1-800-344-3555

Authority. O.C.G.A. Sections 25-2-4, 25-2-17, and 25-8-9.

120-3-10-.11 Severability. If any rule or portion thereof contained in this Chapter is held invalid by a court of competent jurisdiction, the remainder of the rules herein and the applicability of such provisions to other circumstances shall not be affected thereby.

Authority. O.C.G.A. Sections 25-2-4, 25-2-17, and 25-8-9.

If you are an individual with a disability and wish to acquire this publication in an alternative format, please contact the ADA Coordinator, Safety Fire Division, Office of Commissioner of Insurance, No. 2 Martin Luther King, Jr. Drive, Atlanta, Georgia 30334 or call (404) 656-2056, TDD (404) 656-4031.