

EXECUTIVE SUMMARY
Handling and Use of Explosives
25 Pa. Code, Chapters 210 and 211

This final-form rulemaking amends the explosives regulations at 25 Pa. Code Chapter 210 (relating to Blasters' Licenses) and 25 Pa. Code Chapter 211 (relating to Storage, Handling and Use of Explosives). The regulations are authorized under the 1937 and 1957 Explosives Acts, the Surface Mining Conservation and Reclamation Act, the Noncoal Surface Mining Conservation and Reclamation Act and the Administrative Code of 1929.

The proposed regulation was published with a 30-day public comment period. Comments were received from seven commentators and the Independent Regulatory Review Commission. Revisions were made in response to the comments.

The final-form rulemaking revises current regulations to address the use of explosives for seismic exploration. The use of explosives for seismic exploration is fundamentally different than most other uses of explosives. For example, with seismic exploration, it is often necessary for explosive charges to remain in the ground for extended periods of time. The final-form regulations specify the security measures needed to protect the public safety under these circumstances. The Department developed an interim seismic supplement to address safety issues at seismic exploration sites. The final-form rulemaking codifies these requirements, providing certainty to the regulated community regarding the regulatory framework for seismic exploration.

The final-form rulemaking also updates explosives use requirements to reflect current practices, eliminates outdated requirements, and provides for more effective enforcement. These updates will result in more consistency between the requirements for construction blasting and blasting for mining operations. The final-form rulemaking removes the proposed revisions to the fee schedule that would cover costs associated with various permit-related work, license renewals, and required on-site safety inspections. The final-form rulemaking also removes the proposed Subchapter J (relating to Civil Penalties). The fee schedule and the requirements for civil penalties will be pursued in a subsequent rulemaking.

Approximately 2,000 individual licensed blasters in Pennsylvania will be required to comply with this final-form rulemaking. Also, there are approximately 450 companies, many of which are small businesses, storing explosives or conducting blasting operations in Pennsylvania that will be subject to this final-form rulemaking. The bulk of the activity in Pennsylvania is conducted by large corporations, including several multinational corporations. Compliance assistance for this rulemaking will be achieved through routine consultation with trade groups, citizens, and individual applicants.

On July 21, 2016, the Mining and Reclamation Advisory Board recommended that the Department proceed with the rulemaking process for these regulations. On November 2, 2016, the Aggregate Advisory Board recommended the same.