

South Carolina Department of Labor, Licensing and Regulation
Division of Labor
Office of Occupational Safety and Health
Columbia, South Carolina 29211

OSH Program Directive Number 75-1910.109-1

Subject: Proposed Standards Modifications to Explosives and Blasting Agents.

Standard: Article VI, Section 1910.109, Rules and Regulations, Commissioner of Labor, State of South Carolina.

Cross Reference to Federal Standards: 29 CFR 1910.109.

Background: To provide additional advisory information and guidance on proposed future changes to Section 1910.109.

Questions have arisen concerning standards promulgated in federal standard 29 CFR 1910.109, Explosives and Blasting Agents. Conflicts with other federal agencies' explosives regulations have been noted. Federal OSHA will be attempting to resolve these differences. In addition, clarification has been sought on the requirement specified in subdivision 29 CFR 1910.109 (e) (1) (v) that all blasting operations shall be conducted during daylight hours. The latest edition of NFPA No. 495, the source for federal standard 29 CFR 1910.109 cases this requirement to reflect the unusual conditions which necessitate blasting at other times.

Interpretation: In view of these problem areas in federal standard 29 CFR 1910.109, Federal OSHA will propose to revise the entire section. They plan to incorporate the relevant revisions of the NFPA codes; resolve, where possible, major conflicts with other federal agencies and modify their "use of explosives" paragraph. Changes such as the following will be proposed.

- (a) The simultaneous transportation of blasting caps with other explosives on the same vehicle will be permitted under certain conditions. This is presently allowed by the U. S. Department of Transportation in their standard 49 CFR 177.835 (g). Federal OSHA will strive for similar standards.
- (b) Major differences between explosives storage regulations in 29 CFR 1910.109 (c) and those of the Alcohol, Tobacco, and Firearms Division, Internal Revenue Service, specified in 27 CFR Part 181, are being studied by Federal OSHA. They plan

to use Alcohol, Tobacco, and Firearms' format (five types of storage facilities for explosives) with equivalent construction requirements. Present omissions in Federal Standards 29 CFR 1910.109 (c) such as unbarricaded distances in Table H-21, will be remedied.

- (c) The scope of federal standard 29 CFR 1910.109 will be clarified to apply only to commercial explosives. It will not apply to the manufacture and storage of bombs, projectiles, or other encased explosives used in ordnance.
- (d) Seismographic geophysical surveys for gas and oil exploration involving explosives and blasting will be covered under OSHA Construction Standards 29 CFR 1926.
- (e) Blasting will be permitted at times other than during daylight hours, for unusual operations. Operations for blasting slag pockets and dust catchers will fall within this category and will be permitted at night where proper illumination is provided and other appropriate requirements are met.
- (f) All surface blasting operations shall be performed during daylight hours.
- (g) Unusual blasting associated with industrial processes that are performed inside building shall be permitted regardless of time of day if both of the following conditions are met:
 - 1. All requirements concerning the use of explosives during normal blasting operations are implemented.
 - 2. A minimum illumination density of 20 footcandles is provided within a five (5) foot radius of where explosive charges are being assembled, where explosive charges are being placed, and where explosive materials are being attached to initiating devices.

Pending final approval of the proposed changes in the federal standards, any violation of a requirement of Article VI, Section 1910.109 which is inconsistent with regulations promulgated by the U. S. Department of Transportation Standard or Alcohol, Tobacco, and Firearms Division, Internal Revenue Service as discussed above shall be cited as a de minimis notice, provided that the employer is in compliance with the relevant regulations of these agencies.

Effective Date: This instruction is effective upon receipt and will remain in effect until cancelled or superseded by amendment to the regulation or program directive.

William M. Lybrand, Director
September 25, 1975