



Explosives Safety Stakeholder Group Meeting:

Snoqualmie Fire Station, Snoqualmie Pass, WA; September 18, 2018 8:30am-3:00pm

Meeting Summary

Organizations represented (in no particular order):

Sportsman's Warehouse-Compliance
Stevens Pass
Department of Natural Resources
Wolverine West Fireworks
Subterra
Richland Police, Bomb Squad
Snoqualmie Patrol Director
Dyno Nobel
Private/Hobbyist
Pierce County Sherriff
King County Sheriffs, SWAT
Takata, Propellant Manufacturing/Engineering
Boeing
Washington State Department of Transportation
Wallace Technical Blasting
Northwest Energetics

Summary:

The meeting was called to order at 8:36am.

An attendee provided an update on recent legislative efforts; and, invited ESSG group members to attend an upcoming meeting of the Pacific Northwest Chapter of the International Society of Engineers. The Pacific Northwest Chapter includes Washington, Idaho and Oregon.

All attendees were provided a copy of proposed legislation; "Bill Request # Z-0095.3/19 3rd Draft: An Act Relating to Washington state explosives act; and, amending RCW 70.74.360 and 70.74.370." A DOSH representative reviewed with the group. Proposed changes include changes to licensing fees, addition of disqualifying events, including felony offense, domestic violence, mental illness and dishonorable discharge from the armed forces in the United States. Fingerprinting and background check will be performed with first application; a criminal background check will be performed annually thereafter with license renewal. In addition, there is a self-reporting requirement.

A representative of Labor and Industries Division of Occupational Safety and Health (DOSH) summarized the rulemaking thus far to update the requirements in Chapter 296-52 WAC, Safety Standards for Explosives. The summary included use of a Power Point presentation. Clarification was received from Assistant Attorney General regarding reference of "days" within the Chapter. Per AAG, where mentioned, "day" refers to "calendar day" unless otherwise noted. Tables and terms have been

updated in Part E, changes have been made to exploding targets in Part G; and, all sections have been renumbered to allow for growth in the future.

Attendees were encouraged to ask questions throughout the presentation; before beginning the review of individual sections of Chapter 296-307 WAC.

Stakeholder(s) questions/comments: With changes to Chapter 70.74 RCW Washington State Explosives Act, will there be a photo on the license?

DOSH Response: no plans at this time.

Stakeholder(s) questions/comments: Concern expressed with “felony” being added as a disqualifier as his employer is not allowed to ask this question on an application. Instead, Human Resources contacts the potential candidate and asks over the phone. Others expressed agreement with this new disqualifier.

Stakeholder(s) questions/comments: What is “misuse” of explosives?

DOSH Response: Anything that does not agree with manufacturer’s instructions.

Stakeholder(s) questions/comments: Manufacturer does not state what is too much.

DOSH Response: Agree.

Stakeholder(s) questions/comments: In relation to Tannerite, can state be more stringent than federal regulations if they wish?

DOSH Response: Yes.

Stakeholder(s) questions/comments: Concern with requirements which may lead to release of private addresses of law enforcement through public disclosure request.

The group then reviewed and discussed proposed changes to Chapter 296-52 WAC, Safety Standards for Explosives.

Part A

296-52-099 Definitions:

Avalanche Control Pack: Changes approved.

Blast Site: Changes approved.

Buildings that are not inhabited: No changes approved. Group discussed “operated building,” “inhabited,” and, using language from Sub-part K for consistency. Dan to provide suggested wording for next meeting.

Day Box: No changes approved, further discussion needed.

Stakeholder(s) questions/comments: As written, combines definition and requirements. Group to revisit at next meeting.

Display Fireworks: Proposed change to Use definition from state Fireworks rules Chapter 212-17 WAC. Changes approved.

Employee Possessor: Changes approved.

Stakeholder(s) questions/comments: Group discussed requirement of “responsible person.”

Explosives: Group rejected suggested changes. Instead modified existing language: (c) changed to read “Except as exempted,” and, remainder of definition deleted. Group to continue discussion at next meeting.

Hobbyist: Group approved the removal of this proposed definition.

Law Enforcement Tactical Breacher. Definition approved.

Law Enforcement Explosive Detection Canine Handler. Newly proposed definition approved with the following changes: removal of “Law Enforcement” from title of definition; and, insertion of “and transport.” With changes to name of definition, definition to be moved to maintain alphabetical order of definitions.

Small arms ammunition primers. New definition: “Small percussion sensitive explosive charges encased in a cap and used to ignite propellant powder.” Definition approved.

WAC 296-52-60020 (10020 Proposed) Exemptions

(1)(k) Consumer fireworks. Changes approved.

(3)(f) Group rejected suggested exemption for hobbyist. Deletion approved by group.

(4) Partial exemption: strike “1.3” throughout. Group approved change.

(5)(a) Language proposed during meeting: “An employee of a smokeless powder retailer under the supervision of a responsible person shall be permitted to have access to licensed storage magazines used strictly for the storage of smokeless powder.” Group tentatively approved.

WAC 296-52-60105 (13035 Proposed) Notification-Blasting near utilities: Group approved replacing “telegraph” and “telephone” with “telecommunications.”

WAC 296-52-60115 (14919 Proposed) Explosive industry employers. Group discussed keeping separate Process Safety Management (3 lines) and moving to Part B with Manufacturing License requirements.

Part B:

WAC 296-52-63025 (22015 Proposed) Explosive order deliveries. DOSH to provide wording for next meeting.

WAC 296-52-64005 (23005 Proposed) Responsibility to obtain a Users (Blaster's) license.

(2)(d) License Classifications Table. Group approved removal of proposed "hobbyist" designation; and, Law Enforcement from List A. Group approved adding "Canine/K9" and Tactical Entry to List A.

(2)(i) Group approved removal of "hobbyist."

(2)(j) Group discussed separating "tactical entry" from "canine." Further discussion needed.

WAC 296-52-64030 (23015 Proposed) List A qualifications.

Group approved removal of exception for hobbyist designation.

(1)(d) Group approved removal of "Law Enforcement."

(2) and (2)(a) Group approved removal of hobbyist training requirements.

WAC 296-52-65010 (24010 Proposed) Manufacturer's license.

Group discussed and approved wording as currently written: (1) The reason the applicant wants to manufacture explosives."

WAC 296-52-66010 (25010 Proposed) Storage applicant information.

(6) and (7) Group approved deletion.

WAC 296-52-66050 (Proposed 25045) Moving a licensed magazine.

(1) DOSH shared with attendees the information obtained from Attorney General. Where referenced, "days" refers to calendar days unless otherwise noted. Group approved changing "days" to "calendar days."

WAC 296-52-66053 (25050 Proposed) Altering or destroying a licensed magazine.

(2) Group approved changes.

Stakeholder(s) comments/questions: Group discussed need for inspection for public safety. Group also discussed the designations of "active," "inactive," or possibly addition of "destroyed" designation.

WAC 296-52-66060 (25060 Proposed) Reporting changes in conditions.

Group approved addition of "3 **business** days of discovery."

WAC 296-52-25065 Emergency exceptions. DOSH to propose new language for review at next meeting.

Part H

WAC 296-52-805 Hand charge makeup methods.

(1)(a) Group approved the addition of “shock tube.”

Attendees requested additional time to review Part H before discussing. Further discussion needed at next meeting.

Part I

Part I is a new section in the WAC designated for Law Enforcement. Group discussed in detail the requirement to have a separate magazine for “confiscated/evidence” and the potential cost to state agencies; and, taxpayers. The group also discussed the time between collection of evidence and placement in magazine. Law enforcement provided real-world examples: transport, immediate destruction etc.

WAC 296-52-9000 General

(4) The group discussed and tentatively approved the addition of #4, to provide for law enforcement operations in populated areas, as situation demands (dark etc.). Further discussion needed to finalize language.

WAC 296-52-91010 Fix Storage.

(2) Group approved the addition of the word “total” following “50 pounds.”

(3) Group discussed and approved the deletion of Number 3. However, section will be discussed further at next meeting to address storage of items.

WAC 296-52-91020 Vehicular Storage

(1)(b) Group approved adding that Canine scent explosives may not be stored in vehicles overnight.

Stakeholder(s) comments/questions. Discussed stability of scent explosives used: more sensitive, not good for prolonged vehicle storage.

Stakeholder(s) comments/questions. Group asked what is included in a “building.”

DOSH response: Building includes structure; which includes parking garage if attached to building. “Limits” apply to structure.

Stakeholder(s) questions/comments: The group discussed Part I in detail. Questions were posed regarding unattended vehicles, types of vehicles referenced in regulations. The group agreed to maintain two classifications of vehicles; and, agreed a third designation was not needed. The group discussed storage within vehicle; including day box.

Before close of building, an attendee addressed the group to share concern for blasters’ (independent contractors) where the plan is provided by a third party. The attendee shared concerns as the blaster is responsible; and, would like to see the Department provide support for blasters in this situation.

Recap:

Prior to adjourning the meeting, attendees were encouraged to provide additional thoughts and/or suggestions via email to discuss at future stakeholder meetings as well. It was requested suggestions

and/or comments be submitted ahead of the next meeting in order to process, distribute and allow time for stakeholders to review before the next meeting to facilitate discussion.

Follow-up items from today's meeting:

Stakeholders to review Part C, F, H and I

Pending from Meeting of 6-28-2018:

- Research use and development of posters/flyers to provide when materials purchased
- Define "engineer" at future meeting

Next meeting:

Date: Tuesday, January 8, 2019

Time: 8:30am-3:00pm; 8:00 sign in

Location: Enduris Training Facility

1610 S. Technology Blvd. Suite 100

Spokane WA 99224

1.800.462.8418

Attachments:

Documents available for attendees at the start of the meeting:

- Agenda
- Draft language for Chapter 296-52 WAC, Safety Standards for Explosives, Parts A and B
- Draft language for Chapter 296-52 WAC, Safety Standards for Explosives, Parts E
- Draft language for Chapter 296-52 WAC, Safety Standards for Explosives, Part G
- Draft language for Chapter 296-52 WAC, Safety Standards for Explosives, Part H
- Draft language for Chapter 296-52 WAC, Safety Standards for Explosives, Part I
- ESSG Charter