

TENNESSEE STATE FIRE MARSHAL'S OFFICE

2019 ANNUAL REPORT ON BLASTING FINES IN TENNESSEE



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Background

Tenn. Code Ann. § 68-105-103(k)(4) requires the Commissioner of the Department of Commerce and Insurance to file an annual report with the Commerce Committee of the House of Representatives and the Commerce and Labor Committee of the Senate providing information in sufficient detail for the committees to determine whether the fines established pursuant to subdivision (k)(3) are sufficient to ensure the required blasting notifications are being timely filed with the Commissioner. The annual report is to be filed no later than March 1 of each year.

Tenn. Code Ann. § 68-105-103(k)(1)(A) requires a blaster to give notice to the Department of Commerce and Insurance of the exact location a blast or blasts will occur. There is an exception for operations with five (5) pounds or less of explosives. The notice must be made in a manner as required by the Commissioner. The Department has created an online notice of blasting submission portal on the website and additionally accepts the notice by phone or facsimile.

Notice of the blast must be made at least seventy-two (72) hours before blasting operations commence and must contain the beginning and ending date for the blasting operation. No additional notification is required for blasts that occur during the period of time included in the notice. When a public utility provider requires blasting to restore services in unusual circumstances, the public utility provider or the provider's designated contractor may begin blasting operations prior to notifying the department, provided that notice is given as soon as possible. For permanent blasting operation locations, such as, but not limited to, commercial quarries, mines, or cemeteries with recurring blasting operations, the notification requirements are met if the person conducting the operations files a one-time notice of the location. The law allows the Commissioner to assess a fine in the amount of one hundred dollars (\$100) but, for good cause for shown, the Commissioner may waive the payment of such fine. For a second or subsequent violation by the same person, a five hundred dollar (\$500) fine shall be assessed; however, for good cause shown, the Commissioner may waive the payment of such fine. Fines collected are retained by the Department to defray the cost of administering and enforcing this part.

Definitions

1. "Blaster" means a person qualified by reason of training, knowledge, experience, and registration to fire or detonate explosives in blasting operations;
2. "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; and
3. "Commissioner" means Commissioner of Commerce and Insurance.



Regulation

Blasting notifications increase the efficiency of the Department by providing specific dates and locations for blasting operations. This allows for consistency and better coordinated planning for inspections. Before inception of the notification requirement, inspectors drove to locations that were known to have blasting, such as highway projects or quarries. However, there was no guarantee that blasting activity was occurring and many non-productive trips were made.

Additionally, when citizens call to file a complaint, they often do not have the specific address of the blasting operation or the name of the blasting firm so the notification from the blasting companies helps the Department locate the project for which citizens are filing the complaints.

Minimum compliance with state and federal blasting statutes increases the safety of the public and buildings near the blast site. It also establishes reasonable limits for ground and air vibrations that have been shown to minimize damage to nearby structures.

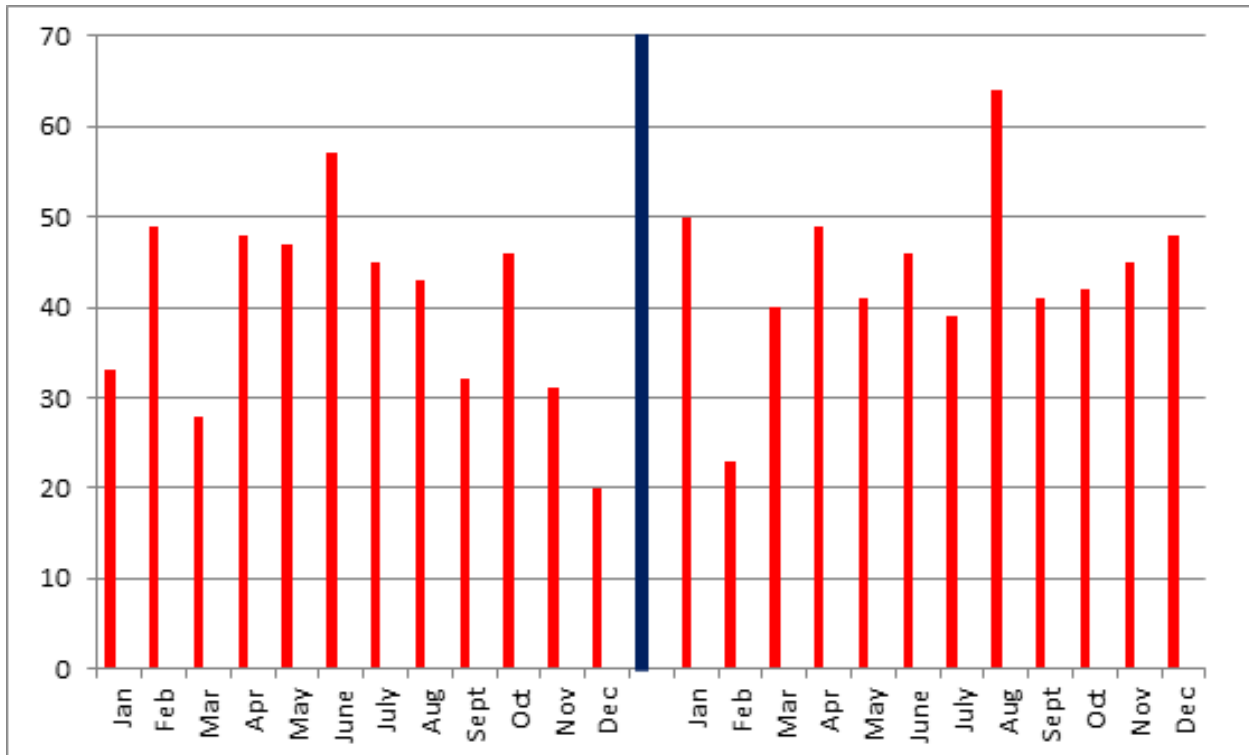
At a blasting operation, the following items may be inspected:

1. Proper registration of firms, blasters and handlers;
2. Visual and audible warnings;
3. Hole spacing and drilling operations;
4. Explosive material volumes and storage;
5. Fuse delays and patterns;
6. Use of blast mats in congested areas; and
7. Seismograph monitoring.



The table below shows the number of blast notices that have been received from January 2018 through December 2019.

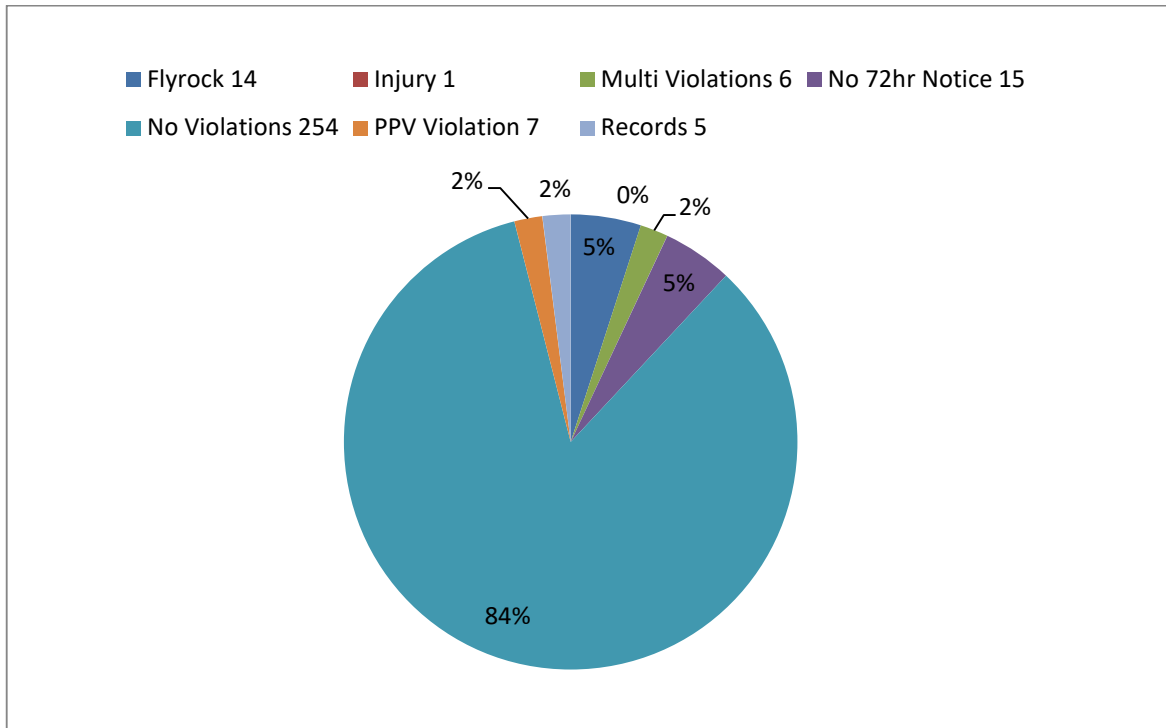
Blasting Notifications CY 2018 - 2019



Blasting notifications in 2019 saw an increase from the previous year. The State Fire Marshal's Office (SFMO) received a total of five hundred twenty (520) blasting notifications during calendar year 2019.



Blasting Complaints as of CY 2019



During Calendar Year 2019, the SFMO received three hundred two (302) blasting related complaints. Of those complaints, fourteen (14) were for fly-rock, fifteen (15) for failing to give notice to the SFMO, seven (7) Peak Particle Velocity (PPV) violations, five (5) records violations, six (6) multi violations, and one (1) injury. Two hundred fifty-four (254) complaints were found to have no violation.

Flyrock	14	5.00%
Injury	1	0.00%
Multi Violations	6	2.00%
No 72hr Notice	15	5.00%
No Violations	254	84.00%
Open	0	0%
PPV Violation	7	2.00%
Records	5	2.00%
Total	302	100.00%

Of the complaints found to substantiate a violation, the SFMO levied sixty-one (61) monetary fines totaling seventy-three thousand fifty dollars (\$73,050).



Conclusion

This report is filed to comply with Tenn. Code Ann. § 68-105-103(k)(4) to provide the Business and Utilities Committee of the House of Representatives and the Commerce and Labor Committee of the Senate sufficient detail to determine whether the fines established pursuant to Tenn. Code Ann. § 68-105-103(k)(3) ensure the required blasting notifications are being timely filed with the Commissioner. The notification process does not appear to be overly burdensome to the industry. Based on the volume of notifications received and the small number of violations substantiated, the Department is not recommending any changes to the fines established for blasting violations.