

**DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
POLICY AND PROCEDURES MANUAL**

<h1>BLASTER'S LICENSES</h1>	P&P C-44 Issue Date: 11/1/89 Revised: 8/1/94
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AUTHORITY: California Labor Code §§6710, 6711, 7990 through 7995 and Title 8 California Code of Regulations §§344.20 through 344.22.

POLICY: It is the policy of the Division of Occupational Safety and Health to require that any person who uses explosives, as defined in Labor Code §6710(b), during the course of any type of employment shall obtain a license from the Division in order to ensure that blasters possess an adequate level of knowledge about blasting safety, to restrict the use of explosives by blasters to those categories about which they have knowledge and experience, and to establish and maintain a list of licensed blasters.

PROCEDURES:

A. BLASTER'S LICENSE PROGRAM ADMINISTRATOR

1. Designation

The Principal Engineer of the Mining and Tunneling Unit, or his or her designee, shall administer the Blaster's License Program and shall be known as the Blaster's License Program Administrator (BPA).

2. Duties

- a. Coordinate updates and changes in the blaster's license examination to include equal consideration of all blasting disciplines.
- b. Oversee the selection of qualified Blaster's License Examiners.
- c. Prepare a summary every July of the previous year's blaster's licensing activities for review by the Deputy Chief for Field Operations.
- d. Act as a contact with representatives of the explosives industry, law enforcement agencies and other state agencies in matters regarding the licensing of blasters.

- e. Represent the Division for standards promulgation and coordinate and assist other federal, state and local governmental agencies on standards development.

B. BLASTER'S LICENSE EXAMINERS

1. Qualifications

- a. Experience in and knowledge of blasting regulations and enforcement;
- b. Knowledge of and experience with blasting operations and blasting materials;

NOTE: To the extent possible, compliance personnel from District Offices which have compliance jurisdiction over the particular activity which the blaster's licenses covers shall be selected as examiners, e.g., avalanche control.

- a. Ability to act independently in arranging and conducting Blaster's examinations; and
- b. Approval by blaster license examiner's immediate and upper management level supervisors.

NOTE: If a blaster's license examiner cannot provide blaster's license examinations without adversely affecting the effective performance of his or her other mandated work, then their supervisor, after giving consideration to the importance of the blaster's licensing examination program and the availability of other qualified examiners in the area, may curtail an individual examiner's assigned blasting examination workload after reviewing with the BPA the availability of acceptable replacement examiner.

2. Location

The BPA shall ensure that an adequate number of qualified Blaster's License Examiners are trained and strategically located throughout the state in geographical proximity to blaster's license Applicants so that blaster's licensing examinations can be administered without causing undue hardship on blaster license Applicants.

3. List of Blaster's License Examiners

The BPA shall establish and maintain a List of Blaster's License Examiners and provide a copy of the List to each Regional, District and Area Office in the Division.

C. EXAMINATION DEVELOPMENT

1. The written Blaster's License Examination shall be developed by the BPA in conjunction with the following sources:
 - a. Explosives industry representatives;
 - b. Construction and mining industry explosives users;
 - c. Limited category explosives users;
 - d. Professional societies such as the Society of Explosive Engineers;
 - e. Private explosive consultants; and
 - f. Division Blaster's License Examiners.
2. The BPA shall meet with all Blaster's License Examiners at least once each year for the purpose of reviewing, updating and revising the Blaster's License examinations and procedures.
3. Oral examination outlines may be developed by the BPA and Blaster's License examiners as necessary to supplement the written examination process.

D. APPLICATION PROCEDURES

1. Scheduling

Blaster's license examinations shall be administered by appointment only.

2. Location

Blaster's license examinations shall be conducted at the examiner's office.

EXCEPTION: If at least three blaster's license Applicants from a location which is geographical remote from any examiner's office can be gathered together at one time, the examiner may travel to that location to administer the examination. However, arrangements to administer the blaster's license examination shall be agreed to by the BPA and the examiner's immediate supervisor.

3. Blaster's License Application Form Completion

- a. The examiner shall have the license Applicant complete the Blaster's License Application Form. See Attachment A.

- b. The examiner shall identify the license Applicant through a photo ID.
 - c. The examiner shall have the license Applicant describe on the reverse side of the Blaster's Application Form the following:
 - 1. Type of blasting work previously performed, for whom and when;
 - 2. Initiation system used; and
 - 3. Kinds of explosives previously used (by name or type), for whom and when
 - d. The examiner shall inform the license Applicant that the applicant may attach a resume to the Application Form.
 - e. The examiner shall determine if the Applicant possesses three years qualifying experience in blasting.
 - 1. The Applicant may qualify to take the limited examination, which will qualify the Applicant for a limited license, if the Applicant can demonstrate three (3) years equivalent experience as follows:
 - i. Two (2) years experience plus twenty (20) hours of explosives training course acceptable to the Division; or
 - ii. One (1) year experience plus forty (40) hours of explosives training course acceptable to the Division.
 - 2. If the examiner determines that the applicant lacks the required amount of qualifying experience, the examiner shall send the Application Form (with examiner's notation) to the BPA without the fee.
4. Type of License
- a. After the applicant completes the Blaster's Application Form, the examiner shall determine the type of license for which the Applicant is qualified and base a determination on the Applicant's experience and training as documented by the Applicant on the Blaster's License Application Form.
 - b. The examiner shall limit the Applicant's license, where appropriate, by type of work done and by initiation system (electric, cap & fuse or non- electric shocktube).
 - c. The examiner shall indicate which of the following types of licenses for which the applicant is qualified:

CLASS CATEGORY	DESCRIPTION
A. Unlimited	All categories
B. General Above Ground	All phases of blasting

	operations in quarries, open pit mines, and above ground construction
C. General Underground	All phases of blasting operations in underground mines, shafts, tunnels, and drifts.
D. Demolition	All phases of demolition.
E. Limited	Specific blasting operations indicated on the License, such as small scale (less than 10 caps/rounds), avalanche control (hand-placed or propelled), geophysical exploration, oil/water well services, aerospace/propulsion, law enforcement and ordnance disposal, logging and others.

5. Duration of License

A Blaster's License is non-transferable and is valid for five years with renewal privileges.

E. FEE COLLECTION

1. After completing the Application process, the examiner shall collect the \$15.00 blaster's license application and examination fee from the Applicant in the form of a check or money order from the Applicant.
2. Only one fee applies regardless of the number of parts of the written examination that are administered to the Applicant at one time.

3. The examiner shall not collect a fee from governmental agency employees who are applying in order to conduct governmental business and so note this on the Blaster's License Application Form.
4. The examiner shall prepare a fee receipt for the Applicant and hold it until the end of the examination for the notation of license limitations and, if appropriate, the notation "temporary license."

F. WRITTEN EXAMINATION

1. The examiner shall assemble the written examination(s) which shall include Parts I and II, and those specialty parts for each initiation system and Part III for each category for which Applicant wishes to qualify.

NOTE: Examiners shall only administer examinations for the types of licenses for which they have been approved by the BPA to administer. If an applicant wishes to be examined for a type of license for which the examiner has not been approved to administer, the examiner shall refer the applicant to an examiner on the List of Examiners who has been approved by the BPA to conduct the particular type of examination sought.

2. The examiner shall give the examination(s) to the Applicant and ensure that the Applicant puts his or her full name on the examination.

NOTE: The examiner shall ensure that the Applicant does not bring any books or other aids into the examination area.

3. The examiner shall collect the examination(s) when applicant has completed all parts.

NOTE: The applicant shall be allowed sufficient time to complete the examination, but in no case more than three (3) hours.

4. The examiner shall review the examination(s) with the Applicant, discuss missed questions and any misunderstandings of language or intent and grade accordingly.
5. The examiner shall indicate number of right and wrong answers on each examination and determine the proportion of correct answers and express as a percentage from 0 to 100%. The passing score is 70% for each examination.

NOTE: Where appropriate, the examiner may give additional weight to parts of exam related to applicant's specialty.

G. ORAL EXAMINATION

1. After administering the written examination(s), the examiner shall administer an oral examination to those Applicants who achieved a passing score on the written examination(s).
2. The oral examination shall include questions pertaining to any area pertinent to applicant's knowledge or ability.
3. After administering the oral examination, the examiner shall determine a "Pass" or "Fail" and thoroughly document the reasoning for the decision.

H. GRADING

1. After completing the written and oral examinations, the examiner shall integrate the written and oral results to determine if the Applicant achieved a passing score. If the Applicant did not pass, the examiner shall record "Did not Pass" on the Evaluation Form. See Attachment B.
2. If the Applicant achieved a passing score, the examiner shall note the results, determine the limitations (see Attachment C), complete the receipt and the Evaluation Form, and forward the following documents to the BPA:
 - a. Blaster's License Application Form and any attachments;
 - b. All parts of the examination, including those which the Applicant did not pass.
 - c. Evaluation Form;
 - d. Fee and the yellow and blue copies of fee receipt.

NOTE: The pink copy of the receipt shall be maintained in the examiner's office file.

I. PROCEDURE FOR REVIEW

1. The BPA shall review the examiner's recommendation and discuss with the examiner any proposed change to the examination outcome. If the BPA disagrees with the examiner's determination, the BPA shall make a written record of the reasons for nonconcurrency.
2. When the BPA determines that an Applicant "Did Not Pass", the BPA shall write a letter to the Applicant informing him or her of the findings

and offer the Applicant a chance for reexamination after ninety (90) days, but before 180 days, for no additional fee.

3. After 180 days from the original examination, the Applicant must pay another \$15 licensing and examination fee.

J. OFFICE PROCEDURES

1. Blaster's License Examiners shall send all blaster's license application and examination materials to the BPA's Office.
2. Office Support Staff at the BPA's Office shall check files and/or computer for a previous license for the Applicant and any records of disqualification or "Did Not Pass."
3. The BPA shall review all files and exams and assign a license number. If previous license exists, previous license numbers shall be used for the same Applicant. If there is no previous number for a particular Applicant, assign a new number in the license sequence.
4. Office Support Staff shall type the Blaster's License as follows.
 - a. Use all "CAPS" for the Blaster's name and type of license.
 - b. Date the license is mailed, or date of temporary license was issued (stipulated on the receipt) to an applicant is the date of issuance.
 - c. Date of expiration is five years from date of issuance.
 - d. For limited licenses, type limitation on back of license.
5. After BPA signs the license, Office Support Staff shall make a copy of the front and back for Blaster's License file.
6. Office Support Staff shall make a copy of the method of payment (check or money order) and receipt.
7. Office Support Staff shall mail the completed License to Applicant.
8. Office Support Staff shall arrange the Blaster License file as follows:
 - a. Application, resume, and other documents.
 - b. Examination (all parts).
 - c. Copy of method of payment and receipt.
 - d. Copy of License.
 - e. Staple all documents together and place in file folder.
9. Office Support Staff shall type the mailing label and use the Blaster's full name and license number on the filing label.
10. Office Support Staff shall enter pertinent information from the Application Form to the computer database.
11. Office Support Staff shall mail the Blaster's License fee to Accounting Unit.

K. SUSPENSION OR REVOCATION OF BLASTER'S LICENSE

1. Suspension Conditions

- a. The Division shall suspend a Blaster's License when in the opinion of the Division the Blaster has not complied with requirements, safety orders, or rules of the Division.

NOTE: Any person holding a Blaster's License from the Division who is convicted of violating any Safety Order involving the use or handling of explosives shall have his or her Blaster's License suspended for not less than thirty (30) days after a hearing by the Division (Labor Code Section 7993).

- b. The Division may suspend a Blaster's License when in the opinion of the Division there is any question or doubt as to the competency of the Blaster's License Holder.

2. Revocation Conditions

- a. The Division shall revoke a Blaster's License when in the opinion of the Division the Blaster has not complied with requirements, safety orders, or rules of the Division.

NOTE: Any person holding a Blaster's License from the Division who is convicted of violating Safety Orders involving the use or handling of explosives in which the violation is judged to be responsible for an accident involving serious injuries or death shall have his or her license revoked for at least one (1) year (Labor Code Section 7994).

- b. The Division may revoke a Blaster's License when in the opinion of the Division there is any question or doubt as to the competency of the Blaster's License Holder.
- c. Any person who has had his or her Blaster's License revoked may apply for a new license after a period of six (6) months.
- d. Any person who has had his or her Blaster's License revoked who is subsequently convicted of violations of a Safety Order involving the use of handling of explosives shall have his or her license permanently revoked.

3. Suspension or Revocation Hearing Procedures

- a. A hearing shall be held to determine whether a Blaster's License should be revoked or suspended. Written notice shall be provided by the BPA to the License Holder of the date, time, and place of the hearing at least 72 hours in advance. The hearing notice must

specify the reasons for the contemplated revocation or suspension action so that the License Holder is adequately able to prepare for the hearing.

- b. The BPA, or his or her designee, shall serve as the hearing officer and electronically record the entire hearing.
- c. The Division's case shall be presented by either the safety engineer who initiated the suspension or revocation proceeding or by the blaster's licensing examiner, unless the Legal Unit determines that a staff attorney shall present the Division's case.
- d. The hearing officer shall preside at the hearing and shall
- e. The hearing officer shall make a judgement whether the License should be revoked or suspended based on the evidence presented at the hearing. If the hearing officer decides not to revoke or suspend the License, then the hearing officer shall inform the License Holder of the decision as soon as possible after the conclusion of the hearing, but in no case more than 24 hours after the hearing.
- f. If the hearing officer concludes that the License should be revoked or suspended, then the hearing officer shall forward that recommendation as soon as possible to the Deputy Chief for Field Operations for review and a final decision.
- g. The Deputy Chief for Field Operations shall render a final written decision as soon as possible, but in no case more than 24 hours after receipt of the hearing officer's recommendation. The Deputy Chief may consult with the Chief as appropriate prior to reaching a decision.
- h. The Deputy Chief shall notify the hearing officer, the License Holder, and parties who attended the hearing, of the Division's final decision.

Attachments:

A -- [Cal/OSHA 44-1 - Blaster's License Application Form](#)

B -- [Cal/OSHA 44-2 - Evaluation Form \(Blaster\)](#)

C -- Examples of Limitations on License Category [EXAMPLE NOT AVAILABLE]