
CONSTRUCTION BLASTERS RULES

AS OF JUNE 30, 2021

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DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 131

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Subchapter 3

Definitions

24.131.301 DEFINITIONS (REPEALED) (History: 37-72-201, 37-72-202, MCA; IMP, 37-72-101, et seq., MCA; NEW, 1985 MAR p. 1402, Eff. 10/1/85; TRANS, from Dept. of Labor and Industry, 1995 MAR p. 1134, Eff. 7/1/95; TRANS, from Commerce, 2005 MAR p. 581; REP, 2015 MAR p. 64, Eff. 1/30/15.)

Subchapter 4

General Provisions

24.131.401 PURPOSE (REPEALED) (History: 37-72-201, 37-72-202, MCA; IMP, 37-72-101, et seq., MCA; NEW, 1985 MAR p. 1402, Eff. 10/1/85; TRANS, from Dept. of Labor and Industry, 1995 MAR p. 1134, Eff. 7/1/95; TRANS, from Commerce, 2005 MAR p. 581; REP, 2015 MAR p. 64, Eff. 1/30/15.)

24.131.402 FEES (1) The following fees must be paid to the bureau and are nonrefundable:

- | | |
|------------------------|------|
| (a) application fee | \$75 |
| (b) annual renewal fee | 40 |

(2) Additional standardized fees are specified in ARM 24.101.403. (History: 37-1-134, 37-72-202, MCA; IMP, 37-1-134, 37-1-141, 37-72-202, MCA; NEW, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2021 MAR p. 469, Eff. 5/1/21.)

Rules 24.131.403 and 24.131.404 reserved

24.131.405 TRAINING PROGRAMS (1) Training programs in construction blasting must be recognized by the explosives and construction industry and approved by the bureau. The training program must offer comprehensive instruction in safe use of explosives, methods and purposes of their use, and safety procedures for storage. These training programs shall be at least 24 hours to obtain a license, or be approved by the bureau based on content and quality of the course.

(2) The Construction Blasters Program maintains a list of approved training courses which can be obtained by contacting the Construction Blasters Program at 301 South Park, P.O. Box 200513, Helena, MT 59620-0513, or e-mail dlibsdhcp@mt.gov.

(3) Training courses in use of explosives that are not on the bureau's approved list will be determined to be acceptable or nonacceptable based on the bureau's judgment of content and quality of the course. (History: 37-72-202, MCA; IMP, 37-72-202, 37-72-302, MCA; NEW, 1985 MAR p. 1402, Eff. 10/1/85; TRANS, from Dept. of Labor and Industry, 1995 MAR p. 1134, Eff. 7/1/95; AMD, 1998 MAR p. 1155, Eff. 2/13/98; TRANS, from Commerce, 2005 MAR p. 581; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2021 MAR p. 469, Eff. 5/1/21.)

24.131.406 USE OF EXPLOSIVES -- INCORPORATION OF STANDARDS OF NATIONAL ORGANIZATIONS AND FEDERAL AGENCIES (1) The bureau hereby adopts and incorporates herein by reference, as they read on the effective date of this rule, the following national standards and regulations regarding the use of explosives:

(a) 29 CFR 1926.860, Selective Demolition by Explosives, Construction Safety and Health Regulations, U.S. Department of Labor, Occupational Safety and Health Administration.

(b) 29 CFR 1926.900 through 1926.914 inclusive, Blasting and the Use of Explosives, Construction Safety and Health Regulations, U.S. Department of Labor, Occupational Safety and Health Administration.

(c) 29 CFR 1910.109, Explosives and Blasting Agents, General Industry Safety and Health Regulations, U.S. Department of Labor, Occupational Safety and Health Administration.

(2) Copies of the national standards and regulations referred to in (a), (b) and (c) above, may be inspected at the Business Standards Division, 301 S. Park Avenue, P.O. Box 200513, Helena, MT 59620-0513, and obtained at cost from the U.S. Department of Labor, Occupational Safety and Health Administration, Washington, D.C. 20402. (History: 37-72-201, 37-72-202, MCA; IMP, 37-72-201, MCA; NEW, 1985 MAR p. 1402, Eff. 10/1/85; TRANS, from Dept. of Labor and Industry, 1995 MAR p. 1134, Eff. 7/1/95; TRANS, from Commerce, 2005 MAR p. 581.)

Rules 24.131.407 through 24.131.409 reserved

24.131.410 VARIANCES (1) A variance request must be on a department-provided affidavit completed by a licensed construction blaster.

(2) A variance will be granted or denied in writing to the requestor for variance after a determination is made by the bureau based on (1). If the variance is approved, restrictions and time of variance must be stated if applicable; and if denied, reasons for denial must be stated. The letter must be signed by the bureau chief or the bureau chief's designated representative. (History: 37-72-201, 37-72-202, MCA; IMP, 37-72-201, MCA; NEW, 1985 MAR p. 1402, Eff. 10/1/85; TRANS, from Dept. of Labor and Industry, 1995 MAR p. 1134, Eff. 7/1/95; TRANS, from Commerce, 2005 MAR p. 581; AMD, 2021 MAR p. 469, Eff. 5/1/21.)

Subchapter 5

Licensing

24.131.501 CONSTRUCTION BLASTER LICENSE REQUIREMENTS

(1) No person shall engage in the practice of construction blasting unless licensed or working under the supervision of a person licensed by the bureau as a construction blaster, unless specifically exempt under 37-72-201, MCA.

(2) The bureau shall issue a construction blaster's license to each applicant who:

(a) submits a completed application form supplied by the bureau with applicable fees;

(b) meets the requirements of 37-72-301, MCA;

(c) has successfully completed a training program approved by the bureau in accordance with ARM 24.131.405; and

(d) has two years' field experience in construction blasting.

(3) Construction blasters' licenses are not transferable and must be renewed on or before the date set by ARM 24.101.413. The provisions of ARM 24.101.408 apply.

(4) A license, certificate, or permit issued by another state or an agency of the United States will be recognized and an appropriate construction blaster's license issued if the bureau determines that the requirements are equivalent to those in 37-72-302, MCA. (History: 37-1-141, 37-72-202, MCA; IMP, 37-1-141, 37-72-301, 37-72-302, 37-72-304, 37-72-305, MCA; NEW, 1985 MAR p. 1402, Eff. 10/1/85; TRANS, from Dept. of Labor and Industry, 1995 MAR p. 1134, Eff. 7/1/95; AMD, 1995 MAR p. 2247, Eff. 10/27/95; AMD, 1998 MAR p. 453, Eff. 2/13/98; TRANS, from Commerce, 2005 MAR p. 581; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2021 MAR p. 469, Eff. 5/1/21.)

Rules 24.131.502 through 24.131.505 reserved

24.131.506 SUSPENSION, REVOCATION, OR REFUSAL TO RENEW CONSTRUCTION BLASTER'S LICENSE (REPEALED) (History: 37-72-202, MCA; IMP, 37-72-203, MCA; NEW, 1985 MAR p. 1402, Eff. 10/1/85; TRANS, from Dept. of Labor and Industry, 1995 MAR p. 1134, Eff. 7/1/95; TRANS, from Commerce, 2005 MAR p. 581; REP, 2015 MAR p. 64, Eff. 1/30/15.)