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Regulation of Explosives and Blasting Materials

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technical bulletin

Municipal Technical Advisory Service
Institute for Public Service, The University of Tennessee
In cooperation with the Tennessee Municipal League

September 15, 1975

This bulletin is issued for the purpose of alerting municipalities regarding legislation passed by the 1975 session of the Tennessee General Assembly regulating the use of explosives and blasting materials within the state. The Act in question is the Tennessee Blasting Standards Act of 1975, Chapter 93 of the Public Acts of 1975. Public and private corporations, political subdivisions, governmental agencies, municipalities, and all persons engaged in the use of explosives and blasting materials, fall within the purview of this Act.

Effective date

The Act becomes effective on October 1, 1975. However, any person, including a municipality, affected by its provisions shall have thirty (30) days after the effective date to obtain registration certificates and identification cards for its employees.

Registration required

Every person regulated by the provisions of the "Blasting Standards Act" is required to apply for and obtain a registration certificate from the Department of Insurance, Division of Fire Prevention, Nashville, Tennessee. Employees of municipalities are not required to obtain certificates but are required to have valid identification cards issued by this department.

Required fees for registration

The registration fee for a certificate is $15.00, and $2.00 is charged for the issuance of an employee's identification card.

Rules and regulations by the department

In addition to the standards established in this Act, the Department of Insurance may promulgate additional rules and regulations, providing they are not inconsistent nor contradictory with the standards set out in the Act.

Effect of act on ordinances

"This Act preempts and supersedes all existing and future county, town, city or municipal ordinances or regulations respecting the subjects covered by the Act".
Variations from act

The Department of Insurance may approve variations from the requirements of the Act where it finds that an emergency exists and where the variations (a) are necessary, (b) will not hinder the effective administration of the Act, and (c) will not be contrary to the provisions of the Act.

Record required

This Act requires that a record shall be kept of each blast, and specifies in considerable detail what shall be included in the record. The Department of Insurance plans to provide a form to be used for this purpose. All records must be retained for at least three (3) years and shall be available for inspection.

Requirements, standards and seismograph measurements

Technical standards, tables and formulas establishing the legal methods for conducting blasts and explosions are set out in the following sections of this Act: section 3: Requirements governing the use of explosives in blasting; section 4: Blasting standards; and section 5: Seismograph measurements. These sections have not been included in this bulletin because of their highly technical and scientific content.

Penalty

The Act provides that a violation of its provisions or of the rules and regulations promulgated by the Department of Insurance shall be a misdemeanor, and imposes a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) for each conviction.

Application for blasting certificate

Municipalities that desire to register for an Explosives User's Registration Certificate should request FORM INS: FS-13 (7-15-75) from the Department of Insurance, Division of Fire Prevention, 202 Capitol Towers Building, Nashville, Tennessee 37219. The contact person on this program is Ed Kimsey, Division of Fire Prevention, telephone no. 741-2981.

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