

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #4

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SECRETARY OF STATE

**NOTICE OF RULE MODIFICATION OF A PROPOSED RULE**

AGENCY: Board of Miner Training, Education, and Cert.  
Department of Energy TITLE NUMBER: 48

CITE AUTHORITY Chapter 22, Article 9, Section 6 of the Code of West Virginia

AMENDMENT TO AN EXISTING RULE: YES \_\_\_ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 5

TITLE OF RULE BEING PROPOSED: Rules and Regulations governing the Standards for Certification of Blasters for Surface Coal Mines and Surface Areas of Underground Coal Mines

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

Roger T Hall  
Roger T Hall  
Administrator

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1987 AUG 14 PM 1:32

SECRETARY OF STATE

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WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
BOARD OF MINER TRAINING, EDUCATION, AND CERTIFICATION

TITLE 48 SERIES 5

TITLE: RULES AND REGULATIONS GOVERNING THE STANDARDS FOR  
CERTIFICATION OF BLASTERS FOR SURFACE COAL MINES AND  
SURFACE AREAS OF UNDERGROUND COAL MINES

TYPE OF RULE: LEGISLATIVE

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WEST VIRGINIA ADMINISTRATIVE REGULATIONS

FILED

BOARD OF MINER TRAINING, EDUCATION, AND CERTIFICATION PM 1:32

TITLE 48 SERIES 5

SECRETARY OF STATE

TITLE: Rules and Regulations Governing the Standards for  
Certification of Blasters for Surface Coal Mines and  
Surface Areas of Underground Coal Mines

TYPE OF RULE: Legislative

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WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
BOARD OF MINER TRAINING, EDUCATION, AND CERTIFICATION

TITLE 48 SERIES 5

1987 AUG 14 PM 1:32

TITLE: Rules and Regulations Governing the Standards for  
Certification of Blasters for Surface Coal Mines and  
Surface Areas of Underground Coal Mines

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Section 48.5.1 General

1.1 Scope - These rules and regulations pertain to the certification of blasters for surface coal mines and surface areas of underground coal mines by the Department of Energy, for the Department of Energy.

1.2 Authority - These rules and regulations are issued under authority of Section 6, Article 9, Chapter 22 of the West Virginia Code, 1931; in accordance with the provisions of Chapter 29A, Article 3 of the West Virginia Code; and in accordance with the Resolution of Understanding by the Board of Miner Training, Education, and Certification, dated December 4, 1979, and will be implemented by the Director of Mines and Minerals, West Virginia Department of Energy, under the provision of Section 10, Article 1, Chapter 22 of the Code.

1.3 Effective Date -

1.4 Filing Date - These rules and regulations were filed in the Office of the Secretary of State on the \_\_\_\_\_ day of \_\_\_\_\_, 1987.

1.5 Certification - These rules and regulations are certified authentic by the Commissioner of the Department of Energy for those portions under his jurisdiction.

Section 48.5.2 Definitions

2.1 Blast - Means any and all detonator(s), explosive(s), and/or blasting agent(s) being initiated simultaneously by a single energy source.

2.2 Detonation - Means any explosive reaction, also called a detonation wave, that moves through the material at a velocity greater than the speed of sound in the material.

2.3 Certified Blaster - Means a person who has successfully completed an examination in accordance with Section 5.3 of these rules and regulations, and is considered certified on record by the Department of Energy per Section 3.1 of these rules and regulations.

2.4 Explosive(s) - Means any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion; including, but not limited to, water gel, slurries, emulsions, dynamites, permissibles, pellet powder, blasting caps, cast primers and boosters, detonating cord, detonating cord delay connectors, and blasting agents.

2.5 Surface Mine and Surface Area of Underground Mines - Means all areas surface mined or being surface mined as defined in Section 3, Article 3, Chapter 22A of the Code of West Virginia, 1931, as amended.

#### Section 48.5.3 Criteria for Certification of Blasters

3.1 Certified Blaster. (a) One year after the effective date of these regulations a certified blaster will be responsible for the handling and use of explosives for each and every blast on every surface coal mine or surface area of an underground mine on which blasting operations are being conducted. (b) Each applicant for certification as a blaster shall:

- (1) Have had at least one year active blasting experience within the past five (5) years;
- (2) Hold a current permit issued by the State Fire Marshall's office; and
- (3) Have demonstrated his knowledge and skill of the use, handling, and storage of explosives, and all State and Federal laws pertaining thereto by completing such training and certification examinations as may be required by these regulations.

(c) Initial and annual refresher training requirements shall include, but are not limited to those subject areas set forth in subsections 5.2 (a)(1) and 5.3 (a)(1) of these regulations and 30 CFR part 48 of federal regulations promulgated under the federal Mine Health and Safety Act.

#### Section 48.5.4 Certified Blaster Examiners/Inspectors

4.1 All persons employed by the Department of Energy, whose duties will include examining and certifying blasting personnel and/or inspecting blasting operations shall be certified blaster examiners/inspectors.

#### Section 48.5.5 Examinations

5.1 Certification as an examiner/inspector under Subsection 5.2 of this Section does not constitute certification as a blaster; however, persons employed by the West Virginia Department of Energy who meet the requirements of Subsections

3.1 and 5.3 of these regulations, qualifies as an examiner/inspector.

5.2 Examinations for Certified Blaster Examiners/Inspectors. (a) Examination for certified blaster examiner/inspector shall include information presented in the STUDY GUIDE FOR WEST VIRGINIA SURFACE MINE BLASTERS, and shall consist of three parts:

- (1) Written multiple choice examination covering:
  - (a) Types of explosives and their properties, to include selection;
  - (b) Blasting equipment and accessories, to include blasting machines;
  - (c) Blast dimensions and calculations, to include geologic and topographic considerations, blast hole design, flyrock control, secondary blasting, and blast plans;
  - (d) Delay systems, to include pattern design, field layout, and initiation systems;
  - (e) Timing;
  - (f) Blast vibration and vibration control, to include airblast, monitoring techniques, and use of pre-blast surveys;
  - (g) Loading and shooting, to include priming, scheduling, site control, warning signals and unpredictable hazards;
  - (h) Storage and transportation of explosives
  - (i) Record keeping and reporting
  - (j) Current State and Federal laws and regulations relating to the use, storage and transportation of explosives, the training and certification of blasting personnel, and blasting signs; and
  - (k) Responsibilities of a certified blaster.
- (2) Written simulation. Correctly and properly completing a blasting log.
- (3) Hands-on simulation. Wiring, checking, and shooting a blast.

(b) A score of 70 percent (70%) for part (1), and satisfactory completion of parts (2) and (3) are required for successful passage of the examination. An individual who fails to achieve a passing score may retake the examination subject to the Department of Energy's direction.

5.3 Examination for Certified Blaster, (a) Examination for certified blaster shall include information presented in the STUDY GUIDE FOR WEST VIRGINIA SURFACE MINE BLASTERS and shall consist of three (3) parts:

- (1) Written multiple choice examination covering:
  - (a) Types of explosives and their properties, to include selections;
  - (b) Blasting equipment and accessories, to include blasting machines;
  - (c) Blast dimensions and calculations, to include geologic and topographic considerations, blast hole design, flyrock control, secondary blasting, and blast plans;
  - (d) Delay systems, to include pattern design, field layout, and initiation systems;
  - (e) Timing;
  - (f) Blast vibration and vibration control, to include airblast, monitoring techniques, and use of pre-blast surveys;
  - (g) Loading and shooting, to include priming, scheduling, site control, warning signals, and unpredictable hazards;
  - (h) Storage and transportation of explosives;
  - (i) Record keeping and reporting;
  - (j) Current State and Federal laws and regulations relating to the use, storage, and transportation of explosives; the training and certification of blasting personnel, and blasting signs; and
  - (k) Responsibilities of a certified blaster.
- (2) Written simulation. Correctly and properly completing a blasting log.
- (3) Hands-on simulation. Wiring, checking, and shooting a blast.

(b) A score of 80 percent (80%) for part (1), and a "passing grade" on parts (2) and (3), which are graded on a pass/fail basis, are required for successful passage of the examination.

(c) All individuals shall be notified of their scores within 30 days of completing the examination. An individual who fails to achieve a passing score on any of the three (3) parts of the examination, may apply within thirty (30) days of the receipt of his examination results from the Department to retake the entire examination or any portions the individual failed to pass.

#### Section 48.5.6 Certification Procedures

6.1 Conditions or Practices Prohibiting Certification. (a) Certification as a certified blaster shall not be issued to persons who:

- (1) Are currently addicted to alcohol, narcotics, or other dangerous drugs; or

- (2) Have exhibited a pattern of conduct inconsistent with acceptance of responsibility for blasting operations.

6.2 Application for Certification as a Certified Blaster. Prior to taking an examination for certification, an individual must submit an application to take such examination on a form prescribed by the Commissioner of the Department of Energy. Upon receipt of an application for examination, the Department shall, after determining compliance with the provisions of Section 3 of these regulations, notify the applicant of the date, time, and location of the scheduled examination. Prior to the effective date as shown in Section 1.3 of these rules and regulations, examinations will be scheduled based upon facility and manpower availability at the various division locations. Following the effective date as shown in Section 1.3 of these rules and regulations, examinations will be regularly scheduled on a monthly basis.

6.3 Certification. Upon determination that an applicant for certification has satisfactorily passed the examination, the Department shall, within 30 days of the examination date, issue to such individual a certificate indicating that he is a Certified Blaster.

#### Section 48.5.7 Recertification Requirements for Certified Blaster

7.1 Recertification. (a) Recertification of all certified blasters is required every three (3) years. Each applicant for recertification must be currently certified and submit validated documentation to the Department of Energy of conformance with the requirements of Section 3.1 of these rules and regulations on forms to be prescribed by the Commissioner.

(b) Validated proof of one shift of refresher training as provided for in Section 3.1(c), within the previous 12 calendar months, must be submitted along with the other validation required by this section: provided however, that requirements for validation will be waived for persons who can verify that they were employed as a certified blaster during the previous 12 calendar months.

(c) Compliance with Section 6.1 of these rules and regulations shall be required for recertification in the same manner as for certification.

7.2 Re-examination. No certified blaster shall be recertified two consecutive times unless, upon the second application, the applicant also successfully passes the examination as required in Section 5.3 of these rules and regulations.

Section 48.5.8 Presentation of Certificate; Transfer; and  
Delegation of Authority

8.1 (a) Upon certification, each blaster shall comply with Section 6 of the West Virginia Department of Energy's Administrative Regulations, Chapter 22-4, Title 36, Series 24, formerly Series 37.

(b) Upon request of an authorized representative of the Commissioner of the West Virginia Department of Energy; or, Director, Office of Surface Mining, U. S. Department of the Interior, a certified blaster shall exhibit his or her certificate to the requesting representative.

(c) The certified blaster shall take all reasonable means to protect his certificate from loss or unauthorized duplication, and shall immediately report any such loss or duplication to the Department of Energy.

8.2 Transfer. Blaster's certifications shall not be transferred or assigned.

8.3 Delegation of Authority. Certified blasters shall not delegate their authority or responsibility to any individual who is not a certified blaster in accordance with these rules and regulations.

8.4 Withdrawal of Certification. (a) The Commissioner of the Department of Energy may initiate proceedings in accordance with Section 29, Article 1A, Chapter 22A of the Code of West Virginia, 1931, as amended, where it has been determined that a certified blaster neglects or fails to perform duties mandated by Article 1A, Article 2, or Article 3, Chapter 22A of the Code of West Virginia, 1931, as amended, or regulations promulgated thereunder; or, these rules and regulations.

(b) Addiction to, or unlawful use of alcohol, narcotics, or other dangerous drugs in the work place shall cause any blaster's certification already in force to be suspended or revoked.

(c) A pattern of conduct which is not consistent with acceptance of responsibility for blasting operations, (i.e., repeated or willful violations of State or Federal laws pertaining to explosives), shall be grounds for suspension or revocation of a blasters certification.

Section 48.5.9 Blasting Crew

9.1 Persons who are not certified and who are assigned to a blasting crew, or assist in the use of explosives, shall receive directions and on-the-job training from a certified blaster.

Section 48.5.10 Reciprocity With Other States

10.1 Upon a recommendation by the Board of Miner Training, Education, and Certification, the Commissioner may enter into a reciprocal agreement with other states wherein persons holding a valid certification in that state may apply for certification in West Virginia, and upon approval by the Board, be certified without undergoing the training or examination requirements set forth in these regulations.



WEST VIRGINIA LEGISLATURE  
 LEGISLATIVE RULE-MAKING REVIEW COMMITTEE  
 Room M-438, State Capitol  
 Charleston, West Virginia 25305  
 (304) 340-3286

FILED

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SECRETARY OF STATE

M. E. Mowery, Counsel

Debra A. Graham, Associate Comm.

Marie Nickerson, Receiving Clerk

Senator Larry A. Tucker, Co-Chairman  
 Delegate Thomas A. Knight, Co-Chairman

August 10, 1987

NOTICE OF ACTIONS TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Roger T. Hall, Administrator  
 Department of Energy  
 1615 Washington Street, East  
 Charleston, WV 25311

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Rules and Regulations Governing the Standards for  
 Certification of Blasters for Surface Coal Mines  
 and Surface Areas of Underground Coal Mines

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
  - (a) as originally filed
  - (b) as modified by the agency   X
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached.

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.