

CR 94-50

RULES CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPT. OF INDUSTRY,)
LABOR & HUMAN RELATIONS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carol Skornicka, Secretary of the Department of Industry,
Labor and Human Relations, and custodian of the official records of said department, do hereby certify that
the annexed rule(s) relating to explosive materials

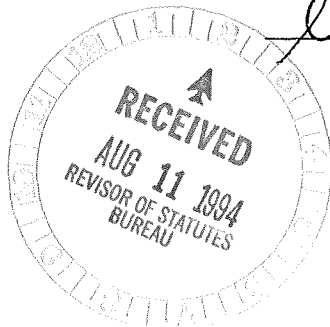
(Subject)

were duly approved and adopted by this department on August 11, 1994
(Date)

I further certify that said copy has been compared by me with the original on file in the department
and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set
my hand and affixed the official seal of the
department at 8:00 a.m.
in the city of Madison, this 11th
day of August A.D. 19 94

Carol Skornicka
Secretary



ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s)

101.15(2)(e)

Stats., the Department of Industry, Labor and Human Relations creates; amends;

repeals and recreates; repeals and adopts rules of Wisconsin Administrative Code chapter(s):

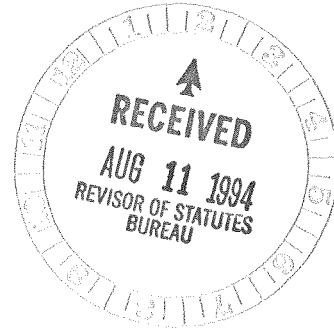
ILHR 7

(Number)

Explosive Materials

(Title)

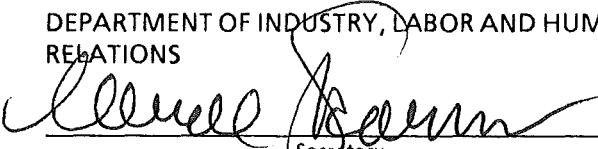
The attached rules shall take effect on the first day of the month following publication
in the Wisconsin Administrative Register pursuant to section 227.22, Stats.



Adopted at Madison, Wisconsin this

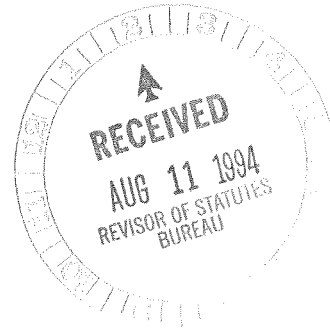
date: August 11, 1994

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN
RELATIONS


Secretary



RULES in FINAL DRAFT FORM



Rule No.: Chapter ILHR 7

Relating to: Explosive Materials

Clearinghouse Rule No.: 94-50

The Wisconsin Department of Industry, Labor and Human Relations proposes an order to amend ILHR 7.04 (10), ILHR 7.06, ILHR 7.11 (3)(c), ILHR 7.11 (3)(d), ILHR 7.25 (3)(a), ILHR 7.32 (3), ILHR 7.33 (4)(c) and ILHR 7.34 (1)(a); to repeal and recreate ILHR 7.11 (3)(b); and to create ILHR 7.04 (21m) and ILHR 7.13, relating to explosive materials.

Analysis of Proposed Rules

Statutory Authority: Section 101.15 (2)(e), Stats.
Statutes Interpreted: Section 101.15 (2)(e), Stats.

The Division of Safety and Buildings, within the Department of Industry, Labor and Human Relations, is responsible for adopting and enforcing administrative rules establishing reasonable and effective standards relating to explosive materials. The rules of chapter ILHR 7 contain safety and health requirements for the manufacture, use, storage, handling and intrastate transportation of explosive materials.

The proposed rules consist of miscellaneous changes in chapter ILHR 7 in order to clarify intent, address problem areas relative to enforcement, and correct inconsistencies between the state and federal regulations. Under the proposed rules, the definition of "community" is revised and a definition of "inhabited area" is created. The rules for denial and revocation of a blaster's license are revised by clarifying the processing times and the appeal process. A new rule is being added to require notification to the department when a blast results in bodily injury, death or violation of the blasting resultant limits for flyrock, airblast or ground vibration. The rules for warning signals are revised by requiring an all-clear signal after the blast and specifying the type of horns to be used for the warning signals.

SECTION 1. ILHR 7.04 (10) is amended to read:

ILHR 7.04 (10) "Community" means a city, village or ~~built-up~~ inhabited area of a town.

SECTION 2. ILHR 7.04 (21m) is created to read:

ILHR 7.04 (21m) "Inhabited area" means an area where the inhabitant or inhabited building is subject to blasting resultants.

SECTION 3. ILHR 7.06 is amended to read:

ILHR 7.06 FEES. Fees for the registration of blasters, safety inspections and petitions for variance shall be submitted as specified in ch. ~~Ind-69~~ ILHR 2.

SECTION 4. ILHR 7.11 (3)(b) is repealed and recreated to read:

ILHR 7.11 (3)(b) In any case where the department denies or revokes a license, the department shall notify the applicant or license holder in writing. The notice shall be made by certified mail. Service shall be verified by the certified mail receipt. The notice shall set forth the specific basis for the denial or revocation and state that the applicant or license holder may submit a written request for a hearing before the department. The right to a hearing shall be considered waived if the applicant or license holder fails to submit the request within 15 business days. The department shall conduct a hearing within 60 business days of receipt of the request for a hearing.

SECTION 5. ILHR 7.11 (3)(c) is amended to read:

ILHR 7.11 (3)(c) Within ~~15~~ 60 business days after the hearing the department shall state its findings and conclusions in writing and transmit a copy to the applicant or ~~former~~ license holder.

SECTION 6. ILHR 7.11 (3)(d) is amended to read:

ILHR 7.11 (3)(d) Upon notice of the revocation of any license where the license holder did not request a hearing, the ~~former~~ license holder shall immediately surrender to the department the license and all copies thereof. Upon notice of the revocation of any license where the license holder requested a hearing and the hearing decision resulted in revoking the license, the license holder shall immediately surrender to the department the license and all copies thereof. The license revocation shall be for not less than one month nor for more than one year.

SECTION 7. ILHR 7.13 is created to read:

ILHR 7.13 NOTIFICATION OF INJURY OR VIOLATION. The blaster in charge of the blasting operation shall notify the department within 2 business days of occurrence of any blast resulting in bodily injury, death or violation of the blasting resultant limits specified in s. ILHR 7.64.

Note: The department can be notified at the Division of Safety and Buildings, Bureau of Safety Services, P.O. Box 7969, Madison, Wisconsin 53707, telephone 608/266-1818 during normal business hours.

SECTION 8. ILHR 7.25 (3)(a) is amended to read:

ILHR 7.25 (3)(a) Each motor vehicle used for transporting explosive materials shall be equipped with at least ~~one~~ 2 fire extinguisher extinguishers with a minimum rating of ~~10-B:C~~ 2-A:10-B:C or one fire extinguisher and an approved automatic fire suppression system.

SECTION 9. ILHR 7.32 (3) is amended to read:

ILHR 7.32 (3) LENGTH. The minimum fuse length for all blasts shall be 30 ~~36~~ inches.

SECTION 10. ILHR 7.33 (4)(c) is amended to read:

ILHR 7.33 (4)(c) On the power side of the switch, at least a 5 ~~15~~-foot lightning gap shall be provided which shall be closed by a jumper immediately prior to the time of firing.

SECTION 11. ILHR 7.34 (1)(a) is amended to read:

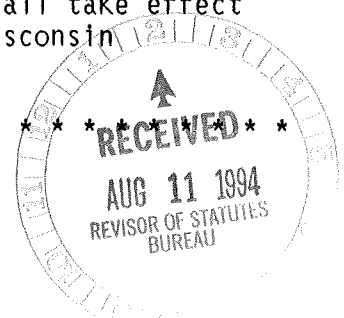
ILHR 7.34 (1) SURFACE BLASTING WARNINGS. (a) Before any surface blast is fired, ~~a prearranged, audible, distinctive warning signal~~ 3 distinctive warning signals shall be sounded. One all-clear signal shall be sounded after the blast area has been inspected by the blaster. ~~Automotive or truck horns shall not~~ Air horns, klaxon horns or sirens shall be used as warning signals. Except as provided in par. (b), all persons shall retire to a safe sheltered area away from the blast site.

(END)

EFFECTIVE DATE

Pursuant to s. 227.22 (2)(intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

CODES6:99



Tommy G. Thompson
Governor
Carol Skornicka
Secretary



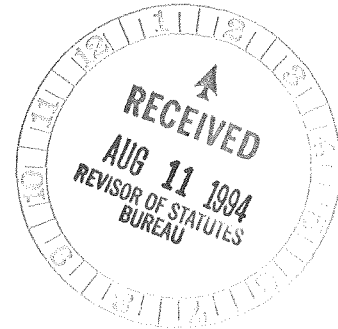
Mailing Address:
201 E. Washington Avenue
Post Office Box 7946
Madison, WI 53707-7946
Telephone (608) 266-7552

State of Wisconsin Department of Industry, Labor and Human Relations

August 11, 1994

Gary Poulson
Assistant Revisor of Statutes
Suite 800
131 W. Wilson St.
Madison, Wisconsin 53703-3233

Douglas LaFollette
Secretary of State
10th Floor
30 West Mifflin Street
Madison, Wisconsin 53703



Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO. 94-50

RULE NO. Chapter ILHR 7

RELATING TO: Explosive Materials

Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is included for permanent rules. A fiscal estimate and fiscal estimate worksheet is included with an emergency rule.

Respectfully submitted,


Carol Skornicka
Secretary