



General Assembly

February Session, 2008

Raised Bill No. 369

LCO No. 2052

02052_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING BLASTING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-349 of the 2008 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2008*):

4 (a) The Commissioner of Public Safety shall have exclusive
5 jurisdiction in the preparation of and may enforce reasonable
6 regulations for the safe and convenient storage, transportation and use
7 of explosives and blasting agents used in connection therewith, which
8 regulations shall deal in particular with the quantity and character of
9 explosives and blasting agents to be stored, transported and used, the
10 proximity of such storage to inhabited dwellings or other occupied
11 buildings, public highways and railroad tracks, the character and
12 construction of suitable magazines for such storage, protective
13 measures to secure such stored explosives and blasting agents,
14 measures designed to minimize vibration, noise and adverse impacts
15 on nearby property caused by such explosives and blasting agents and
16 the abatement of any hazard that may arise incident to the storage,
17 transportation or use of such explosives and blasting agents.

18 (b) No person, firm or corporation shall engage in any activity
19 concerning the storage, transportation or use of explosives unless such
20 person, firm or corporation has obtained a license therefor from the
21 Commissioner of Public Safety. Such license shall be issued upon
22 payment of a fee of one hundred dollars and upon submission by the
23 applicant of evidence of good moral character and of competence in
24 the control and handling of explosives, provided, if such license is for
25 the use of explosives, it may be issued only to an individual person
26 after demonstration that such individual is technically qualified to
27 detonate explosives. Any such license to use explosives shall bear both
28 the fingerprints of the licensee obtained by the Commissioner of Public
29 Safety at the time of licensing, and the licensee's photograph, furnished
30 by the licensee, of a size specified by the commissioner and taken not
31 more than one year prior to the issuance of the license. Each such
32 license shall be valid for one year from the date of its issuance, unless
33 sooner revoked or suspended, and may be renewed annually
34 thereafter upon a payment of seventy-five dollars.

35 (c) The Commissioner of Public Safety shall require any applicant
36 for a license under this section to submit to state and national criminal
37 history records checks. The criminal history records checks required
38 pursuant to this subsection shall be conducted in accordance with
39 section 29-17a.

40 (d) No person shall manufacture, keep, store, sell or deal in any
41 explosives unless such person has a valid license under the provisions
42 of subsection (b) of this section and obtains from the Commissioner of
43 Public Safety or from the fire marshal of the town where such business
44 is conducted a written permit therefor, which permit shall not be valid
45 for more than one year and for which such person shall pay a fee of
46 fifty dollars. If the permit is issued by the Commissioner of Public
47 Safety, the commissioner shall forward a copy thereof to the local fire
48 marshal. Such permit so granted shall definitely state the location of
49 the building where such business is to be carried on or such explosive
50 deposited and shall state that such building or premises complies with

51 the regulations provided for in this section.

52 (e) No person shall procure, transport or use any explosives unless
53 such person has a valid license under subsection (b) of this section and
54 has obtained a written permit therefor signed by the Commissioner of
55 Public Safety or by the fire marshal of the town where such explosive
56 is to be used, specifying the name of the purchaser, the amount to be
57 purchased and transported and the purpose for which it is to be used.
58 Any such permit to use explosives shall state the number of years the
59 permittee has been engaged in blasting activity. Such permit shall be
60 valid for such period, not longer than one year, as is required to
61 accomplish the purpose for which it was obtained. No carrier shall
62 transport any such explosive until the vehicle transporting the
63 explosive has been inspected and approved by the Department of
64 Public Safety and unless such written permit accompanies the same
65 and no person shall have in such person's possession any such
66 explosive unless such person has a license and permit therefor. The fee
67 for such inspection shall be fifty dollars. The fee for such permit shall
68 be thirty dollars. Each person who has in such person's custody or
69 possession any explosive or any detonating caps for explosives shall
70 keep the same either under personal observation or securely locked
71 up.

72 (f) Any license or permit issued under the provisions of this section
73 may be suspended or revoked by the issuing authority for violation by
74 the licensee or permittee of any provision of law or regulation relating
75 to explosives or conviction of such licensee or permittee of any felony
76 or misdemeanor. Suspension or revocation of a license shall
77 automatically suspend or revoke the permit and the suspension or
78 revocation of a permit shall automatically suspend or revoke the
79 license.

80 (g) Any person who, by himself or herself or by such person's
81 employee or agent or as the employee or agent of another, violates any
82 provision of this section, or any regulation made by the Commissioner

83 of Public Safety pursuant to the provisions of this section, shall be
84 fined not more than ten thousand dollars or imprisoned not more than
85 ten years or both.

86 (h) As used in this section, "blasting agent" means any material,
87 composition or mixture intended for blasting, consisting substantially
88 of a fuel and oxidizer, none of the ingredients of which is an explosive
89 as defined in section 29-343, and the finished product of which as
90 mixed and packaged for use or shipment cannot be detonated by the
91 test procedure established by regulations adopted by the
92 Commissioner of Public Safety in accordance with chapter 54.

93 (i) Notwithstanding the provisions of this section, the Labor
94 Commissioner shall regulate the storage, transportation and use of
95 explosives and blasting agents in places of employment insofar as such
96 activities relate to employee health and safety, provided such
97 regulations shall be no less stringent than those prepared and enforced
98 by the Commissioner of Public Safety pursuant to this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	29-349

Statement of Purpose:

To minimize vibration, noise and adverse impacts on property caused by explosives and blasting agents.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]