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**House Bill 6324, An Act Concerning the Inspection of Elevators, the  
Authority of the State and Local Fire Marshals, the Regulation  
of Explosives and Other Technical Changes  
Public Safety and Security Committee  
February 10, 2009**

**CCIA Position: Support section 4**

Connecticut Construction Industries Association, Inc. (CCIA) represents the commercial construction industry in Connecticut and is committed to working together to advance and promote a better quality of life for all citizens in the state. CCIA is comprised of more than 350 members, including commercial, industrial and institutional construction contractors, subcontractors, suppliers and professionals serving the construction industry and representing all aspects of the construction industry. Several CCIA members have significant experience in operating responsibly explosives sales and service companies, performing blasting for site work and specialty projects, and operating quarries where mining, excavation and other work is performed.

Section 4 of House Bill 6324, An Act Concerning the Inspection of Elevators, the Authority of the State and Local Fire Marshals, the Regulation of Explosives and Other Technical Changes, authorizes the State Fire Marshal to grant variances from certain regulatory provisions concerning the storage, transportation or use of explosives. CCIA supports the provision and we urge the committee to approve it.

The Office of State Fire Marshal in the Department of Public Safety has proposed a Connecticut Explosives Code, which would update regulations adopted in accordance with Conn. Gen. Stat. §29-349 regarding storage, transportation and use of explosives and blasting agents. The current regulations have been in place since 1972 and have not been changed substantively since then. The revisions recognize technical changes and changes in federal law. It modernizes requirements for blasting and will help ensure that uniform standards are applied across the industry.

State law should provide greater flexibility and allow waivers and exceptions. At the same time, it should provide more authority for the state to interpret the Code's application. Like many regulations, the Code presents a one-size fits-all regulation that will have the force and effect of law across the state. There are 169 municipalities in Connecticut and what works in Ashford may not work best for Bridgeport, Greenwich or New Haven. The Commissioner of Public Safety, who serves as State Fire Marshal, or his designee, such as local fire marshals, should be authorized to grant exceptions, waivers and variances from certain onerous, impractical requirements when necessary. For example, section 29-349-50a(b) of the regulation, requiring a warning signal audible



for at least one-half mile, is not practical and would be disruptive in urban settings where blasts are small and well-contained.

Meanwhile, federal law provides for alternate methods, procedures or variations from requirements. The Director of the Bureau of Alcohol Tobacco, Firearms and Explosives (ATF) may approve the use of alternate methods or procedures of blasting under federal regulations. See, for example, 27 CFR §555.22(a). Likewise, the Code should have a mechanism for when an alternative approach may be better. The Code will then be more flexible and can respond to changed circumstances and advancements in technology, allowing the regulation to not become obsolete and to avoid a complete re-write of its provisions. The State Building Code and the Fire Safety Code provide similar authority to local building officials and fire marshals. This authority could still be granted with the Commissioner of Public Safety retaining the authority to enforce the regulations.

Local fire marshals are trained in a course taught by the State Police. The course covers explosives and blasting operations. State inspectors in the Office of State Fire Marshal are experienced, highly trained, competent and trustworthy to make decisions as to whether a waiver, variance or an exception to a regulation should be granted.

Please contact Matthew Hallisey at CCIA at (860) 539-5189 if you have any questions or if you need additional information.