



912 Silas Deane Highway
Wethersfield, CT 06109

Tel: 860.529.6855

Fax: 860.563.0616

ccia-info@ctconstruction.org

www.ctconstruction.org

Proposed Bill No. 6494 An Act Establishing a Complaint Procedure for Property Owners When Blasting Causes Damages

Committee on Public Safety and Security

February 19, 2015

CCIA Position: Opposed

The Connecticut Construction Industries Association (CCIA) has many companies in various sectors of the construction industry that have a long history of providing quality work for the public benefit. Several CCIA members have a great deal of experience with the storage, transportation, and use of explosives. Those companies include specialty contractors, quarry operators, and material producers that conduct blasting operations to perform site work on projects and produce raw materials in quarries and plants.

This bill proposes to amend the general statutes to require the Division of Construction Services (DCS) to, first, establish a complaint procedure for the reporting of property damages; and, second, amend the existing regulations to address modern blasting techniques.

CCIA supports creating administrative procedures and amending regulations when the appropriate government officials are engaged in the process and there is a demonstrated need. It is the association's position that neither of those standards are met in this proposal.

The appropriate government officials are not engaged in amending the blasting and explosives regulations under this bill. The Connecticut State Fire Marshall oversees the state blasting and explosives regulations. Public Act 13-256 assigned the regulation of explosives to the Department of Emergency Services and Public Protection (DESPP). DCS does not have purview over these rules or have the expertise on staff to amend them. CCIA opposes requiring DCS to create procedures and revise regulations that are within the purview of the DESPP, the agency that oversees these specific subject matter regulations.

There is no demonstrated need to revise the existing regulations. Explosives and the people using them in blasting activities are highly regulated under both licensing laws and permits in Connecticut, along with various Federal laws. Connecticut's blasting and explosives rules and practices have been subject to rigorous discussion and use since 1972.



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There is no need to create complaint procedures when there is already a very simple straight-forward procedure in Section 29-349-66a of the State Blasting and Explosives Regulations for reporting and investigating blasting damage complaints. To support the regulation, there are currently sufficient and effective protocols and procedures in place to investigate complaints regarding excessive vibrations, air blasts, cracks in walls and asphalt, damaged wells and fly rock.

Protection of persons and property are well-covered under the State's blasting regulations. This includes not only the property owners that are the basis underlying this legislative proposal, but public utilities, congested areas and other exposures.

Precautions are taken into account on every blast. It is common practice in Connecticut for blasting operations to require pre-blast surveys and seismograph monitoring. Blasting in quarry operations is particularly well organized, measured, controlled, where the surrounding area, exposures, and geology are well identified.

There is no need to amend the existing regulations to address modern blasting techniques. In Connecticut, the rules and practices governing blasting and explosives have evolved with time and experience under the auspices of the appropriate officials. Our State's blasting rules and practices are stronger than many other states and blasting is conducted in accordance with nationally accepted practices. This measured evolution has served the state well and should be continued without interference.

For questions and further information, please contact Don Shubert at 860-529-6855 or dshubert@ctconstruction.org.

For more than 80 years, CCIA has represented the commercial construction industry in Connecticut, carrying on its founding members' belief in the power of collective action and cooperation to grow the industry. One of the Association's oldest entities, the Connecticut Road Builders Association, was formed in 1933. CCIA is an organization of associations, where various segments of the commercial construction industry work together to advance and promote their shared interests. CCIA is comprised of over 300 members, including contractors, subcontractors, material producers, equipment and material suppliers, professionals such as accountants, attorneys, engineers, surety and insurance companies, as well as other professionals allied with the state's construction industry.