

PART 34

EXPLOSIVES

INTRODUCTORY PROVISIONS

Application

34.1(1) This Part applies to every workplace where explosives are used.

34.1(2) Despite subsection (1), this Part does not apply to any class of work that is covered by the *Operation of Mines Regulation*, Manitoba Regulation 228/94.

34.1(3) This Part is in addition to the regulations made under the *Explosives Act* (Canada) and is to be read and applied as being ancillary to it.

Safe work procedures

34.2(1) An employer must

(a) develop and implement safe work procedures for the use of explosives, including procedures for removing any misfire;

(b) train blasters and other workers who may work in the vicinity of blasting in those safe work procedures; and

(c) ensure that the blasters and other workers comply with those safe work procedures.

34.2(2) The safe work procedures developed and implemented by the employer must be consistent with the code of practice respecting the safe use of explosives issued by the director.

CERTIFICATION OF BLASTERS

Classes of blasting

34.3 The director may issue a blaster's certificate for the following classes of work:

(a) unlimited, under which a blaster may detonate explosives by fuse and cap, a non-electrical detonation system or electrical detonation, with no restriction on the number of shots or series;

(b) fuse and cap with limited electrical, under which a blaster may detonate a maximum blast of 50 shots by safety fuse and cap assemblies, non-electrical detonation systems or electrical detonators hooked up in a single series;

(c) fuse and cap, under which a blaster may detonate a maximum blast of 50 shots by safety fuse and cap assemblies or non-electrical detonation systems;

(d) seismic, under which a blaster may detonate a single shot electrical blast for seismic purposes;

(e) a class established by the director.

Training programs and examinations

34.4 The director may establish blaster safety training programs and examinations for the different classes of blaster's certificates established under section 34.3.

Issuing and renewing blaster certificates

34.5(1) The director may issue a blaster's certificate of a class set out in section 34.3, to a person who

(a) in a form approved by the director, applies to the director and verifies the information in the application by statutory declaration;

(b) satisfies the director that he or she has successfully completed the relevant blaster safety training program; and

(c) successfully completes the examination for the class of certificate.

34.5(2) A certificate issued under this section

(a) is valid for the period fixed by the director; and

(b) is subject to any terms and conditions, including terms and conditions for its renewal, imposed by the director.

34.5(3) Subject to subsection (4), the director must grant a renewal of a blaster's certificate held by a blaster who is not otherwise suspended if the blaster

(a) files with the director an application for renewal, in the form approved

by the director, before his or her existing certificate authorization expires;
and

(b) complies with any term or condition imposed by the director for renewing the certificate.

34.5(4) As a condition of renewing a certificate, the director may require the blaster to successfully complete an examination or re-examination if

(a) the blaster applies for the renewal after the time for doing so under clause (3)(a) has expired; or

(b) the director is not satisfied that the blaster carried out sufficient blasting operations, or sufficient blasting operations of the relevant type, under his or her previous certificate to demonstrate safe and competent blasting.

Fees

34.6 The fee for enrolling in a blaster's safety program or for taking a blaster's examination or re-examination is \$25.

Employer's reporting of blaster

34.7 If an employer is of the opinion that a blasting operation carried out by a blaster has put the safety or health of any person, including the blaster, at risk, the employer must immediately ensure that

(a) the blaster does not perform any further duties as a blaster; and

(b) the actions of the blaster are reported to the director.

Director's suspension of blaster

34.8(1) The director must immediately suspend a blaster's certificate if the director is of the opinion that

(a) the blaster presents a risk to the safety or health of a worker, the blaster or other person; or

(b) without limiting clause (a), the blaster

(i) has carried out a blast in an unsafe manner, or

(ii) is operating unsafely.

34.8(2) A suspension under subsection (1) must be for a minimum of 30

days, but the director may, in his or her discretion, impose a longer suspension.

34.8(3) Where the director suspends the certificate of a blaster, the director must promptly notify the blaster and the blaster's employer of the suspension, its length and the procedure for requesting a reconsideration of the suspension.

34.8(4) A blaster whose certificate is suspended must immediately surrender the certificate to the director.

34.8(5) At the end of the period of suspension, the director must review the matter and may reinstate or revoke the blaster's certificate.

34.8(6) When a blaster's certificate has been revoked, the director may set out terms and conditions to be fulfilled by the blaster for the reinstatement of a blaster's certificate.

Reconsideration

34.9(1) A blaster may request the director reconsider a suspension of his or her certificate by filing a request with the director within 14 days after receiving notice that his or her certificate has been suspended.

34.9(2) A request for a reconsideration must be in writing and must set out the grounds upon which the request is made.

34.9(3) The director must decide the request for reconsideration and may

(a) confirm or rescind the suspension;

(b) alter its length; or

(c) set out terms and conditions to be fulfilled by the blaster before rescinding the suspension of the blaster's certificate.

No hearing required

34.10(1) The director may hold a hearing when reconsidering a suspension but is not required to do so.

34.10(2) If the director decides to hold a hearing, the director

(a) is not bound by the rules of evidence that apply to judicial proceedings; and

(b) may establish rules of practice and procedure for the hearing.

BLASTING PROCEDURES

Only blaster may be authorized to blast

34.11(1) An employer must not authorize or permit a charge to be prepared, fixed or fired, or a misfire to be handled, by anyone other than

- (a) a blaster; or
- (b) a person who is
 - (i) working under the direct personal supervision of a blaster, and
 - (ii) undergoing training to obtain a blaster's certificate.

34.11(2) A blaster may only carry out a blasting operation that is within the class of work specified in his or her certificate.

Blaster not to work alone

34.12(1) A blaster must not work alone while carrying out a blasting operation.

34.12(2) If a blaster is assisted by a person who is not a blaster, the blaster must ensure that all work carried out by the person is done under the direct personal supervision of the blaster.

Proof of certificate must be provided

34.13(1) Before becoming involved in a blasting operation, a blaster must deliver proof of his or her blaster's certificate to

- (a) the person in charge of the workplace where the blasting operation is to take place; or
- (b) the employer, where there is no person in charge of the workplace.

34.13(2) Upon the request of a safety and health officer, a blaster must produce his or her blasting certificate for inspection.

Employer must ensure proof is received

34.14 No employer or person in charge of a workplace may permit any person to carry out a blasting operation unless he or she has first provided the employer or the person in charge proof that he or she is a blaster.

Blaster must supervise

34.15(1) Before blasting occurs, an employer must designate the blaster as the supervisor of the blast site, and where more than one blaster is working in a blast site, the employer must designate one of the blasters as the supervisor.

34.15(2) An employer must ensure that the supervising blaster has full authority over, and is responsible for the safety of, every other person, including other blasters, assisting with the blasting operation.

Blasting operations

34.16(1) An employer must ensure that

- (a) all explosives, other than the total charge to be loaded, are kept in a magazine;
- (b) no magazine is located within 8 m of a flammable liquid or compressed gas;
- (c) empty containers, cases, cardboard boxes, bags or other wrappings from explosives and detonators are not reused, but rather are disposed of in accordance with the manufacturer's specifications;
- (d) the blaster
 - (i) uses the oldest explosive in a magazine first,
 - (ii) does not use a deteriorated or damaged explosive,
 - (iii) does not move or carry a charged explosive or a detonator in a manner that creates a risk to the safety or health of the blaster or another person, and
 - (iv) does not leave an explosive unattended while it is being transported from the magazine to the blast site or after it is loaded and ready to be blasted;
- (e) a charge is primed only at the blasting site, and for certainty, no charge is primed in a magazine or any other place where other explosives are stored;
- (f) before a borehole is drilled, all loose rock or other material that may pose a risk to the safety or health of a worker or other person is scaled or removed, and if blasting may have occurred previously in the area of the blast site,

(i) the drilling face is thoroughly cleaned in accordance with appropriate procedures,

(ii) a blaster has inspected the drilling face and blasted material to locate any misfires and bootlegs, and

(iii) if a misfire or bootleg is found, the blaster has dealt with it in accordance with the safe work procedures for the workplace and for the relevant type of explosive; and

(g) no worker tampers with an explosive, a detonator or any part of an explosive or detonator.

34.16(2) Before blasting occurs, an employer must ensure that adequate precautions are taken against possible injury to persons and damage to property, including without limitation, ensuring that

(a) the blaster or supervising blaster limits the charge used to the minimum required to do the blast;

(b) a blasting mat or other suitable means of protection is used to control flying debris;

(c) unauthorized persons are warned not to enter or remain in the area of the blast site by

(i) the placement of warning signs or barricades, or

(ii) the posting of flagpersons or guards;

(d) roads, trails, paths and other approaches to the blast site are closed during blasting operations;

(e) the person who controls any railway within the blast site is given advance notice of the blasting operations to be carried out; and

(f) sufficient warning is given before a blast takes place.

34.16(3) An employer must ensure that the blaster does not fire a charge until

(a) all surplus explosives or detonators are removed from the blast site;

and

(b) all workers and other persons are at a safe distance from the blast site, or if a worker or other person is required to remain in the blast site, he or she is protected by suitable cover from falling rocks, flying debris, mud or anything else that is disturbed, agitated or displaced by the blast.

34.16(4) An employer must ensure that all boreholes that are charged with explosives in one loading operation are fired in one blasting operation.

34.16(5) An employer must ensure that a blaster does not perform a blasting operation using electric detonators during or on the approach of an electrical storm or a severe dust storm.

Post-blast inspection and clearance by blaster

34.17(1) After a blast an employer must ensure that, before a worker or other person is allowed to return to the blast site, the blaster has

(a) inspected the blast site for misfires and bootlegs;

(b) marked each misfire or bootleg with a conspicuous marker; and

(c) given clearance for workers and other persons to return to the blast site.

34.17(2) In the event that a misfire or bootleg is found, an employer must ensure that it is not abandoned, but rather that the blaster deals with it in accordance with the safe work procedures for the workplace and for the relevant type of explosive.

No smoking or burning material near explosives

34.18(1) No person may smoke or burn any material within 8 m of an explosive.

34.18(2) An employer must ensure that no person smokes or burns any material within 8 m of an explosive.

DIRECTOR'S POWERS

Director's powers

34.19 For the purpose of this Part, the director may

(a) establish

(i) terms and conditions that may be imposed on a blaster's certificate,

(ii) procedures to be followed for the reconsideration of a suspension, and

(iii) requirements for issuing or renewing blaster's certificates, including a class of blaster's certificates established under clause 34.3(e); and

(b) authorize a designated person to exercise powers or perform duties under this Part.