



Arkansas Department of Labor and Licensing
900 West Capitol, Suite 400
Little Rock, Arkansas 72201
(501) 682-4500

Asa Hutchinson
Governor

Daryl Bassett
Secretary

A REPORT FROM THE DEPARTMENT OF LABOR AND LICENSING
for
HOUSE COMMITTEE ON CITY, COUNTY AND LOCAL AFFAIRS
Regarding Interim Study Proposal 2019-131

August 10, 2020

INTRODUCTION

The purpose of this report is to provide the House Committee on City, County, and Local Affairs information on each type of environmental permit, certification, authorization, approval, or coverage issued by the Department of Labor and Licensing (hereinafter ADLL) pursuant to Interim Study Proposal 2910-131.

The ADLL has no typical environmental permitting authority or jurisdiction. The Division of Labor, Arkansas Occupational Safety and Health Section does have a blasting program that impacts environmental issues. The program has two (2) components. First, there is a certification program for individuals performing blasting operations pursuant to Ark. Code Ann. §§20-27-1101 through -1103. Second, the division is the enforcement authority for the Arkansas Quarry and Open Pit Mine Blasting Control Act, Ark. Code Ann. §§20-27-1301 *et seq.* These two (2) components of the blasting program are addressed separately below.

CERTIFICATION OF INDIVIDUALS PERFORMING BLASTING

Name of the certification: Blaster certification.

Authorizing law: Ark. Code Ann. §§20-27-1101 through -1103, and corresponding administrative rules, commonly referred to as Safety Code No. 13.

Description of public notice and participation: There is no requirement for public notice and participation outside that provided in the normal rule-making process.

It is important to note that the statutes and rules do not establish or address minimum standards for the performance of blasting operations. They address only the minimum qualifications for individuals performing blasting. The following are exempt from the certification requirement:

1. blasting conducted at a surface coal mine regulated by the Department of Environmental Quality;
2. blasting conducted during seismic operations regulated by the Oil and Gas Commission; and

3. blasting conducted by an agricultural operation on property owned or controlled by the agricultural operation.

The minimum qualifications for certification are primarily the completion of basic training. Additionally, an individual must be twenty-one (21) years of age; have a high school education or its equivalent; and have two (2) years of experience. The approved training involves an initial training class and a refresher class every three (3) years. The initial training class will typically be forty (40) hours or twenty (20) hours, depending on the amount of explosives used at any given time and the approved class. The refresher training is typically sixteen (16) hours or eight (8) hours. The certification fee is \$25.

BLASTING AT QUARRIES AND OPEN PIT MINES

The Arkansas Quarry and Open Pit Mine Blasting Control Act, Ark. Code Ann. §§20-27-1301 *et seq.*, does not have a permit, certification, or a general pre-approval process. However, if a pit or quarry is closer than three hundred (300) feet from any public highway, road, or street, prior approval is required. Notice is required to be given to the Division of Labor when an owner or operator begins blasting at a new location or at a site on which no blasting has occurred for a period of six (6) consecutive months. Ark. Code Ann. §20-27-1304.

The statutes establish blasting standards, including maximum limits for air blasts and ground vibration based on federal limits. Ark. Code Ann. §20-27-1303. There are record-keeping requirements, as well as insurance requirements. Ark. Code Ann. §§20-27-1305 and -1306.

There are two instances in which some degree of public notice or participation is involved. First, Ark. Code Ann. § 20-27-1308(a)(7) authorizes the Director of the Division of Labor to require a mine owner or operator or contractor to offer a pre-blast survey of all buildings or structures up to a radius of one half (1/2) mile of the perimeter of the mine. Second, in the event of a Notice of Hearing is issued with respect to an alleged violation of the law by an owner or operator or contractor, any person who has made a written complaint within the past three (3) years to the division regarding the blasting operations of the person charged with the violation is entitled to receive notice of the hearing. Ark. Code Ann. §20-27-1309(c)(2).

Respectfully submitted,

ARKANSAS DEPARTMENT OF LABOR AND LICENSING

By: Denise P. Oxley
General Counsel
(501) 682-4502
denise.oxley@arkansas.gov