



South Carolina Department of Labor, Licensing and Regulation
Division of Fire and Life Safety
141 Monticello Trail • Columbia, SC 29203
803-896-9800 • www.statefire.llr.sc.gov
LICENSING AND PERMITTING SECTION

MEMORANDUM

TO: Applicants for Initial Blaster License
FROM: Ray Hoshall, Chief of Licensing and Permitting
DATE: November 13, 2018
SUBJECT: South Carolina Initial Blaster License

Thank you for your interest in becoming a S.C. Licensed Blaster. As you probably know, a license cannot be issued until you have passed the written examination administered by this office. To assist you in preparing for the exam, attached is a copy of the S.C. Code of Laws, Section 23-36 (Explosive Control Act) and S.C. Code of Regulations, Section 71-8302 (Explosives).

Required study materials are not available from the Office of State Fire Marshal except as noted above. The exams are based on the documents listed for the specific class of license as found at: http://www.scfiremarshal.llronline.com/forms/State_Fire_Marshal_Testing_Guidelines.pdf

Please read the following information carefully. The first step is to mail the complete application package which is attached to this memorandum, including all of the attachments and payment to the above address. Once your application has been received and reviewed, you will receive an approval email and a list of available examination dates. Reply to that email requesting a primary and alternate date. You will then receive a confirmation email showing your examination date and a list of materials you are allowed to bring to the examination facility. You must bring a valid picture ID and an original Social Security card for review at the time of examination check in.

In accordance with S.C. Code of Regulations, Section 71-8302.4.B.5.d, you must provide proof of insurance to obtain a license. The coverage company must be an insurer which is either licensed by the Department of Insurance in this State or approved by the Department of Insurance as a nonadmitted surplus lines carrier for risks located in this State. In the event the liability insurance is canceled, suspended, or nonrenewed, the insurer shall give immediate notice to the OSFM.

Please note the completed application, fingerprint card (to be filled out and signed by a law enforcement agency), Affidavit of Eligibility, Certificate of Insurance, a copy of **your** current personal ATF Letter of Clearance for handling and using explosives or explosive material, and proper fee of \$250.00 for the license and \$25.00 for a criminal background check must be received by the Office of State Fire Marshal **before** you can schedule an examination. In addition, you must also email a color passport style color photograph in **.jpg** format to ray.hoshall@llr.sc.gov. Payment will be accepted by check or money order made payable to the State of South Carolina. **CREDIT CARDS ARE NO LONGER ACCEPTED FOR INITIAL APPLICATIONS.** Incomplete packages will be returned to the applicant without processing.

Should you have any questions, or if we can be of further assistance to you regarding the examination process, please feel free to contact me at 803.896.9913.

12. Are you addicted to alcohol or drugs? _____

13. Are you currently being treated for any physical, mental or emotional condition that might interfere with your ability to competently and safely perform the essential functions as a licensed blaster? _____

I certify that I have received, read and understood copies of the SC Explosives Control Act of 1986 and the SC Rules and Regulations promulgated under Section 8 thereof, these being codified as Subarticle 3, Sections 71-8302 through 71-8302.8. I further certify that the information contained herein is true and correct to the best of my knowledge.

Signature of Applicant

Date of Application

South Carolina Law requires that every individual who applies for an occupational or professional license provide a social security number for use in the establishment, enforcement and collection of child support obligations and for reporting to certain databanks established by law. Failure to provide your social security number for these mandatory purposes will result in the denial of your licensure application. Social security numbers may also be disclosed to other governmental regulatory agencies and for identification purposes to testing providers and organizations involved in professional regulation. Your social security number will not be released for any other purpose not provided for by law.

Other personal information collected by the Department for the licensing boards it administers is limited to such personal information as is necessary to fulfill a legitimate public purpose. The South Carolina Freedom of Information Act ensures that the public has a right to access appropriate records and information possessed by a government agency. Therefore, some personal information on the application may be subject to public scrutiny or release. The Department collects and disseminates personal information in compliance with The South Carolina Freedom of Information Act, the South Carolina Family Privacy Protection Act, and other applicable privacy laws and regulations. Additionally, the Department shares certain information on the application with other governmental agencies for various governmental purposes, including research and statistical services.

WHAT MUST BE INCLUDED IN YOUR INITIAL APPLICATION PACKAGE

- _____ The completed 2019 Initial Application For Blaster License
- _____ Payment in the amount of \$275.00 by check or money order
- _____ Completed Verification of Lawful Presence in the United States (Affidavit of Eligibility)
- _____ Completed Fingerprint Card (signed by a law enforcement agency)
- _____ Your personal ATF Letter of Clearance
- _____ Your employer's Certificate of Liability Insurance
- _____ A color "passport style" photograph in **.JPG format only** (emailed to ray.hoshall@llr.sc.gov)

Please note: Incomplete application packages will be returned to the applicant without processing. A completed application package must be received and approved before an applicant can be scheduled to take an examination.



STATE OF SOUTH CAROLINA
DEPARTMENT OF LABOR, LICENSING AND REGULATION
VERIFICATION OF LAWFUL PRESENCE IN THE UNITED STATES
AFFIDAVIT OF ELIGIBILITY



Pursuant to Section 8-29-10, *et seq.* of the South Carolina Code of Laws (1976, as amended), the Department of Labor, Licensing and Regulation must verify that any person who applies for a South Carolina license is lawfully present in the United States. Complete and sign this affidavit of eligibility. The information provided is subject to verification.

Section A: LAWFUL PRESENCE in the United States.

The undersigned _____, of _____
(Print clearly First, Middle, and Last name) (Home Address, City, State, and Zip Code)
 being first duly sworn deposes and states as follows:

Check only one box:

1. I am a United States citizen; or

2. I am a Legal Permanent Resident of the United States eighteen years of age or older; or

3. I am a Qualified Alien or non-immigrant under the Federal Immigration and Nationality Act, Public Law 82-414, eighteen years of age or older, and lawfully present in the United States.

4. Other: _____ Please submit any documentation that supports this status.

Date of Birth: _____

Alien Number: _____ I-94 Number: _____

(If you checked number 2, 3, or 4 you must attach a copy of your immigration documents. See instruction sheet for a list of accepted immigration documents.)

Section B: ATTESTATION.

I understand that in accordance with section 8-29-10 of the South Carolina Code of Laws, a person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall, in addition to other sanctions imposed by this State or the United States, be guilty of a felony, and upon conviction must be fined and/or imprisoned for not more than 5 years (or both).

I understand that the representations made in this Affidavit shall apply through any license(s) or renewals issued, and that I shall have an affirmative duty to immediately advise the Department of Labor, Licensing and Regulation of any change of my immigration or citizenship status.

I swear and attest the information contained herein is true and correct to the best of my knowledge. I understand that under South Carolina law, providing false information is grounds for denial, suspension, or revocation of a license, certificate, registration or permit.

Signature of Affiant

SWORN to before me this _____ day of _____, 20____

Notary Signature

Print Name

Notary Public for _____

My Commission Expires: _____

INSTRUCTION SHEET FOR COMPLETING AFFIDAVIT OF ELIGIBILITY

CHECK box 1:

If you are a United States Citizen by birth or naturalization

CHECK box 2:

If you are a Legal Permanent Resident and you are not a U.S. Citizen, but are residing in the U.S. under legally recognized and lawfully recorded permanent residence as an immigrant.

PROVIDE A COPY OF ALL IMMIGRATION DOCUMENTS.

CHECK box 3:

If you are a Qualified Alien. You are a Qualified Alien if you are:

An alien who is lawfully admitted for residence under the INA.

An alien who is granted asylum under Section 208 of the INA.

A refugee who is admitted to the United States under Section 207 of the INA.

An alien who is paroled into the United States under Section 212(d)(5) of the INA for a period of at least 1 year.

An alien whose deportation is being withheld under Section 243(h) of the INA (as in effect prior to April 1, 1997) or whose removal has been withheld under Section 241(b)(3).

An alien who is granted conditional entry pursuant to Section 203(a)(7) of the INA as in effect prior to April 1, 1980.

An alien who is a Cuban/Haitian Entrant as defined by Section 501(e) of the Refugee Education Assistance Act of 1980.

An alien who has been battered or subjected to extreme cruelty, or whose child or parent has been battered or subject to extreme cruelty.

PROVIDE A COPY OF ALL IMMIGRATION DOCUMENTS.

ACCEPTED IMMIGRATION DOCUMENTS:

Unexpired Reentry Permit (I-327)

Permanent Resident Card or Alien Registration Receipt Card With Photograph (I-551)

Unexpired Refugee Travel Document (I-571)

Unexpired Employment Authorization Card Which Contains a Photograph (I-766)

Machine Readable Immigrant Visa (with Temporary I-551 Language)

Temporary I-551 Stamp (on passport or I-94)

I-94 (Arrival/Departure Record) in Unexpired Foreign Passport

I-20 (Certificate of Eligibility for Nonimmigrant, F-1, Student Status)

DS2019 (Certificate of Eligibility for Exchange Visitor, J-1, Status)

BLASTER LICENSE OR PERMIT DISQUALIFIERS

SECTION 23-36-100. Revocation, suspension, or denial of license or permit.

(1) A license or permit may be revoked, suspended, or denied by the State Fire Marshal because of, but not limited to:

(a) noncompliance with any order written by the State Fire Marshal.

(b) conviction of a crime of violence or of any crime punishable by a term of imprisonment exceeding two years.

(c) advocating or knowingly belonging to any organization or group which advocates violent overthrow of or violent action against the federal, state, or local government.

(d) having or contracting physical or mental illness or condition that in the judgment of the State Fire Marshal would make the use and possession of explosive materials hazardous to the licensee or permittee and to the public.

(e) violating the terms of the license or permit or essential changes in the condition under which the license or permit was issued without prior approval of the State Fire Marshal.

(f) violating the provisions of this section. However, except for violations considered an immediate threat to public safety, the State Fire Marshal may issue a notice of noncompliance and set a time limit to achieve immediate compliance.

(g) giving false information or making a misrepresentation to obtain a license or permit.

71-8305.4. Qualifications of Operators.

7. The State Fire Marshal may revoke, suspend, or deny a license because of, but not limited to:

a. Failure to comply with any order written by the SFM;

b. Conviction of a felony, a crime of violence, or any crime punishable by a term of imprisonment exceeding two years; or

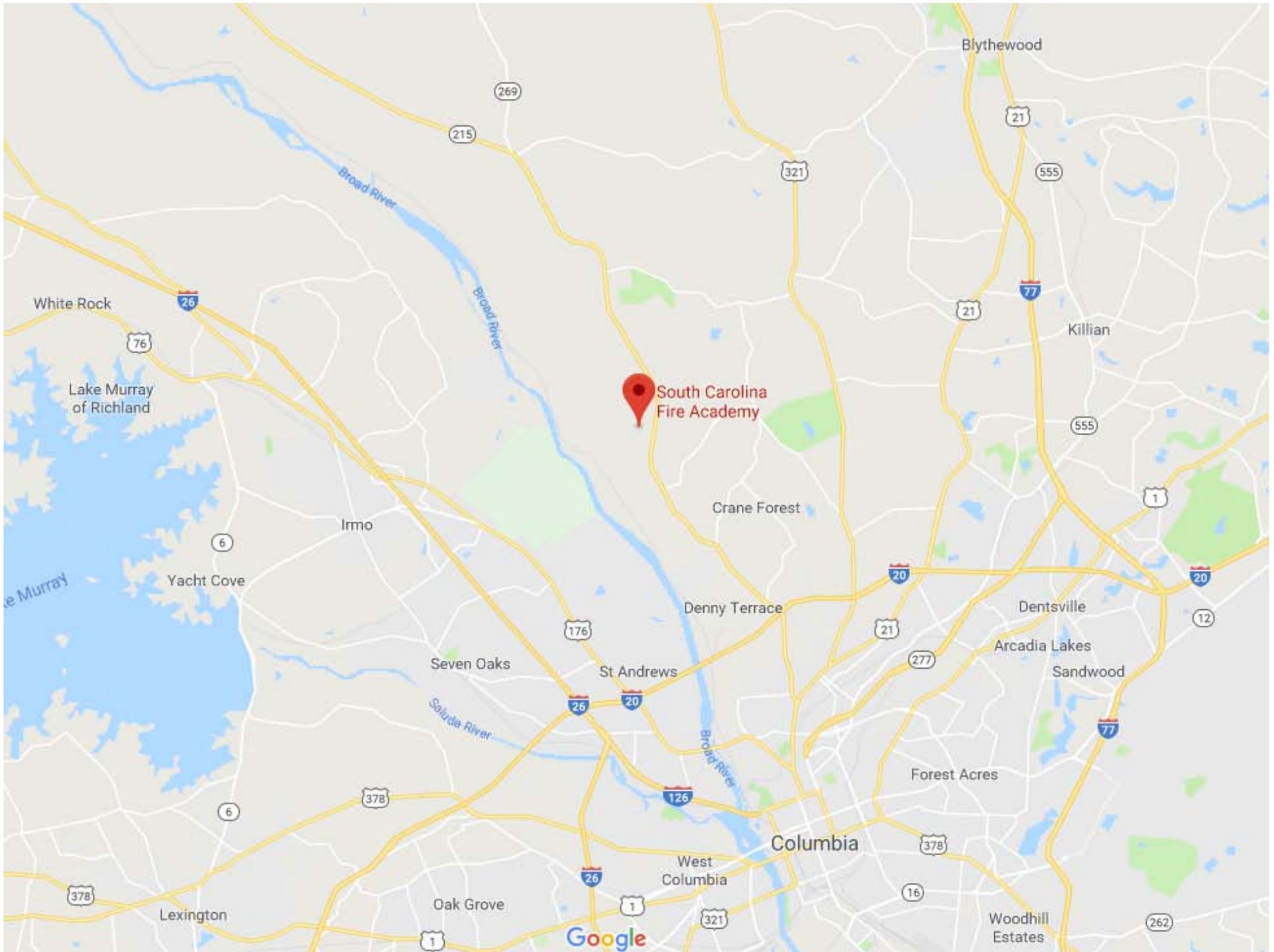
c. Advocating or knowingly belonging to any organization or group which advocates violent overthrow of or violent action against the federal, state, local government, or its citizens; or

- d. Having or contracting physical or mental illness or conditions that in the judgment of the State Fire Marshal would make use or possession of fireworks, pyrotechnics, or explosive materials hazardous to the licensee or the public; or
- e. Violating the terms of the license or essential changes in the conditions under which the license was issued without prior approval of the Office of State Fire Marshal;
- f. Violating the state laws or regulations governing Public Fireworks Displays or Proximate Audience Pyrotechnics; or
- g. Giving false information or making a misrepresentation to obtain a license.

71-8302.4. Licenses and Permits.

B. Licenses.

4. The State Fire Marshal may accept determination of relief from disability incurred by reason of a criminal conviction that has been granted by the Director of the Bureau of Alcohol, Tobacco and Firearms, U. S. Department of the Treasury, Washington, D.C., pursuant to Section 55.142, Subpart H, Title 27, Code of Federal Regulations and Title 18 United States Code, Chapter 40, Section 845(b).



DIRECTIONS TO THE SOUTH CAROLINA STATE FIRE CAMPUS

141 Monticello Trail, Columbia, SC 29203

FROM I-20: Turn North on Monticello Road (SC 215). Travel 4.3 miles and turn left on Monticello Trail. The SC State Fire Campus is ¼ mile down Monticello Trail on the left.

FROM LEXINGTON, CAYCE, WEST COLUMBIA OR I-26 FROM THE UPSTATE OR CHARLESTON

AREA: Take route of choice to I-20, get on I-20 toward Florence. At Exit 68 take Monticello Road North towards Jenkinsville. Go 4.3 miles and make a left turn at the Martin-Marietta Quarry sign onto Monticello Trail. The SC State Fire Campus is ¼ mile down Monticello Trail on the left.

FROM NORTHEAST COLUMBIA, DENTSVILLE, SPRING VALLEY OR FROM EAST OF COLUMBIA ON I-20 OR I-77 FROM NORTH OF COLUMBIA:

Take I-20 toward Augusta. At Exit 68 take Monticello Road North towards Jenkinsville. Go 4.3 miles and make a left turn at the Martin-Marietta Quarry sign onto Monticello Trail. The SC State Fire Campus is ¼ mile down Monticello Trail on the left.

FROM DOWNTOWN COLUMBIA: Go North on Main Street, take a slight left onto Monticello Road (SC 215), continue 4.3 miles after crossing over I-20. Make a left turn at the Martin-Marietta Quarry sign onto Monticello Trail. The SC State Fire Campus is ¼ mile down Monticello Trail on the left.

CHAPTER 36
Explosives Control Act

SECTION 23-36-10. Short title.

This chapter may be cited as the “South Carolina Explosives Control Act”.

HISTORY: 1986 Act No. 480, Section 1.

SECTION 23-36-20. Legislative findings.

The General Assembly finds it necessary to assure the people of South Carolina that explosive materials are being sold, used, and stored by persons, dealers, and blasters that are duly certified or licensed to engage in the sale, use, or storage of these explosive materials by the State Fire Marshal.

HISTORY: 1986 Act No. 480, Section 2.

SECTION 23-36-30. Definitions.

As used in this chapter:

(1) “Explosive materials” means any explosive, blasting agent, water gel, detonator, or other item contained in the “List of Explosive Materials” published by the Bureau of Alcohol, Tobacco and Firearms (BATF).

(2) “Explosive” means any chemical compound, mixture, or device, the primary or intended common purpose of which is to function by explosion. The term includes, but is not limited to, dynamite and other high explosives, black powder in quantities in excess of five pounds, pellet powder, initiating explosives, detonators, squibs, and detonating cord. It does not mean small arms ammunition or components of small arms ammunition.

(3) “Blasting agent” means any material or mixture, consisting of fuel and oxidizer, intended for blasting not otherwise defined as an explosive. The finished product, as mixed for use or shipment, may not be detonated by means of a number eight test blasting cap when unconfined.

(4) “Detonator” means any device containing a detonating charge that is used for initiating detonation in an explosive. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, and detonating cord delay connectors and nonelectric instantaneous and delay blasting caps which use detonating cord shock tube, or any other replacement for electric leg wires.

(5) “Person” means any natural person, partnership, association, or corporation.

(6) “Dealer” means a person engaged in the wholesale or retail business of buying and selling explosives. However, if a manufacturer or distributor of explosives makes sales to consumers, the manufacturer or distributor is required to obtain a license as a dealer.

(a) “Class I Dealer” means a person engaged in the wholesale or retail business of buying and selling any quantity and type of explosive materials.

(b) “Class II Dealer” means a person engaged in the retail business of selling black powder, flash powder, and other types of low-grade explosive.

(7) “Blaster” means a person who detonates or otherwise effects the explosion of an explosive material or who is in immediate personal charge and supervision of one or more persons who are not licensed to engage in such activity.

(8) “Sale” means delivery of an explosive with or without consideration.

(9) “Purchase” means acquisition of any explosive by a person with or without consideration.

HISTORY: 1986 Act No. 480, Section 3.

SECTION 23-36-40. License and permit requirements; liability insurance requirement; classification of blasters.

(1) It is unlawful for any person to engage in the business of a dealer in explosives or to acquire, sell, possess, store, or engage in the use of explosive materials in this State except in conformity with the provisions of this act. Each dealer or blaster must possess a valid license or permit issued by the State Fire Marshal.

(2) Each dealer and blaster maintaining a storage magazine must possess a permit for each magazine. Locations of magazines must be exactly reported to the State Fire Marshal in the application for a license or permit. Any change in magazine locations must be reported to the State Fire Marshal in advance of the actual change. Written notice of the location change must be filed with the State Fire Marshal no less than seven working days after the change is effected.

(3) Licenses and permits are required for the following and the fees are:

Class I Dealer License	one thousand dollars;
Class II Dealer License	two hundred fifty dollars;
Magazine Permit	fifty dollars;
Blaster License,	two hundred fifty dollars;
Blasting Permits:	
one month	fifty dollars;
three months	one hundred dollars;
six months	two hundred fifty dollars;
one year	five hundred dollars.

Magazine permits and licenses are issued by the State Fire Marshal for one calendar year beginning on January first and ending on December thirty-first. Blasting permits must be issued for the length of time necessary to complete the blasting work.

(4) The forms for the licenses, permits, and applications are prescribed by the State Fire Marshal and shall require such information and data as the State Fire Marshal considers appropriate. No license or permit may be issued a person who has been convicted for a crime of violence or of any crime punishable by a term of imprisonment exceeding two years.

(5) No license or permit is required for persons exploding or effecting the explosion of explosive materials working under the immediate and personal supervision and control of a person holding a valid blasters permit. Agricultural users of explosives or explosive materials are exempt from the license or permit provision of this chapter. Agricultural users of explosives or explosive materials shall comply with all applicable provisions regarding the sale, use, transportation, or storage of explosive materials.

(6) No license or permit may be issued by the State Fire Marshal pursuant to an application unless it is determined that the purpose for which the applicant seeks a permit or license falls within the purview of this chapter and that the purpose is not in violation of any other laws of this State.

(7) The fees collected for the licenses and permits must be deposited in the general fund of the State.

(8) A blaster shall furnish the State Fire Marshal with liability insurance with a company licensed to do business as an insurer in this State in an amount not less than five hundred thousand dollars to protect the public against injury. This insurance must be continued in effect during the period of the permit.

(9) The State Fire Marshal must institute classifications of blasters for the purpose of insuring adequate skill, knowledge, and experience in different types of blasting operations. Classification will be determined by the passage of a written examination.

HISTORY: 1986 Act No. 480, Section 4; 1987 Act No. 47, Section 1; 1988 Act No. 658, Part II, Section 19.

SECTION 23-36-50. Applicability of license and permit requirements.

(1) No person shall possess an explosive material unless he is the holder of a valid license or permit as required by this chapter and possesses the explosive material for the purpose stated in the license or permit.

(2) The exceptions are:

(a) contract and private carriers operating in interstate and intrastate commerce.

(b) persons possessing explosive materials while under the immediate and personal supervision and control of a person holding a valid blaster's license and engaged in the preparation for and in the exploding or otherwise effecting the explosion of explosive materials. It is unlawful for any person holding a blaster's permit to allow persons working under him to possess explosive materials except during the time when the person is loading or unloading or exploding or otherwise effecting the explosion of an explosive material under the immediate and personal supervision and control of the licensed blaster.

HISTORY: 1986 Act No. 480, Section 5.

SECTION 23-36-60. Accounting and recordkeeping requirements; access to records.

(1) Dealers must keep accurate accounts of all inventories and sales of explosive materials including explosive materials sold and used for agricultural purposes. All the sales must be evidenced by invoices or sales tickets executed in quadruplicate, the dealer retaining the original and one copy, delivering a third copy to the purchaser, and forwarding a fourth copy to the State Fire Marshal.

(2) A carbon copy of the Explosive Transaction Record as required by the United States Department of the Treasury - Bureau of Alcohol, Tobacco and Firearms and the invoices or sales tickets delivered to purchasers must bear the name of the manufacturer or dealer and purchaser, date of sale, date-shift code, quantity sold, use for which the explosive materials are purchased, and the address of the purchaser.

(3) Upon the sale or delivery of any explosive materials within the State, the selling and receiving agency of either of them shall notify the State Fire Marshal of the sale or delivery by forwarding a copy of the bill of sale or bill of lading to him.

(4) Dealers must retain all records of inventories, invoices, sales tickets, and copies and make them available to any law enforcement officer of this State and to the State Fire Marshal or his representative at such time as the State Fire Marshal considers appropriate.

(5) A blaster must keep an accurate, written inventory of all explosive materials possessed by him and a record of the use of explosive materials on forms approved by the State Fire Marshal. The inventory and record of use must be made available to any law enforcement officer of this State or to the State Fire Marshal or his representative at such time as the State Fire Marshal considers appropriate.

(6) Records required to be maintained under subsections (1) through (5) of this section may not be disposed of without approval by the State Fire Marshal. Any business which terminates its operations must turn over its records to the State Fire Marshal.

HISTORY: 1986 Act No. 480, Section 6.

SECTION 23-36-70. Notice of theft, illegal use, or illegal possession of explosive materials; inspection of magazines by dealers and blasters.

Any sheriff, police department, or law enforcement officer shall give immediate notice to the State Fire Marshal of any theft, illegal use, or illegal possession of explosive materials and shall forward a copy of his final written report to the State Fire Marshal. Any dealer or blaster who knows that explosive materials in his possession have been stolen or otherwise misappropriated shall notify immediately the nearest sheriff's office or police department and the State Fire Marshal. Each dealer and blaster must physically inspect all magazines at least once every seven days to insure security of all explosive materials.

HISTORY: 1986 Act No. 480, Section 7.

SECTION 23-36-80. Promulgation of regulations by Division of State Fire Marshal; administrative procedures applicable; enforcement of chapter by State Fire Marshal.

The Division of the State Fire Marshal shall promulgate regulations setting forth minimum general standards covering the use, sale, handling, and storage of explosive materials. The regulations must be in substantial conformity with generally accepted standards of safety concerning these subject matters.

Regulations in substantial conformity with the published rules and suggested standards of the Institute of Makers of Explosives are considered in substantial conformity with accepted standards of safety. All procedures with regard to the revocation, suspension, or denial of licenses and permits shall be handled by an administrative law judge as provided under Article 5 of Chapter 23 of Title 1. The State Fire Marshal is the enforcement authority of this chapter.

HISTORY: 1986 Act No. 480, Section 8; 1993 Act No. 181, Section 364.

SECTION 23-36-90. Assessment of civil penalties; referral of civil penalties to Attorney General for collection; deposit of civil penalties in general fund.

(1) After notice and an opportunity for a hearing in accordance with the Administrative Procedures Act, the State Fire Marshal may assess a civil penalty not to exceed one thousand dollars for each violation of this chapter. In determining the amount of the penalty, the State Fire Marshal shall take into account the nature, circumstances, extent, and gravity of the violation, the degree of culpability, the history of previous offenses, the ability to pay, the effect of the penalty on the ability to continue to operate, and any other matter that justice requires.

(2) The State Fire Marshal may refer any civil penalty to the Attorney General for collection.

(3) All civil penalties collected must be deposited in the general fund of the State.

HISTORY: 1986 Act No. 480, Section 9.

SECTION 23-36-100. Revocation, suspension, or denial of license or permit.

(1) A license or permit may be revoked, suspended, or denied by the State Fire Marshal because of, but not limited to:

(a) noncompliance with any order written by the State Fire Marshal.

(b) conviction of a crime of violence or of any crime punishable by a term of imprisonment exceeding two years.

(c) advocating or knowingly belonging to any organization or group which advocates violent overthrow of or violent action against the federal, state, or local government.

(d) having or contracting physical or mental illness or condition that in the judgment of the State Fire Marshal would make the use and possession of explosive materials hazardous to the licensee or permittee and to the public.

(e) violating the terms of the license or permit or essential changes in the condition under which the license or permit was issued without prior approval of the State Fire Marshal.

(f) violating the provisions of this section. However, except for violations considered an immediate threat to public safety, the State Fire Marshal may issue a notice of noncompliance and set a time limit to achieve immediate compliance.

(g) giving false information or making a misrepresentation to obtain a license or permit.

(2) The State Fire Marshal may invoke suspension of a license or permit pending disposition of a felony charge which involves the use of explosives brought against a licensee or permittee.

HISTORY: 1986 Act No. 480, Section 10.

SECTION 23-36-110. Confiscation, storage, or disposal of explosive materials by State Fire Marshal.

(1) The State Fire Marshal or his representative has authority to confiscate, place in storage, or dispose of explosive materials in any manner considered appropriate to insure the safety of the public when:

(a) explosive materials are found abandoned as provided in Section 23-36-130.

(b) explosive materials are found stored illegally and present an immediate threat to the public safety as provided in Section 23-36-120.

(c) explosive materials are used in illegal activities.

(d) explosive materials which are found to be unsafe or unstable.

(2) The revocation or suspension of a dealer's or blaster's license or permit shall result in the confiscation of the dealer's or blaster's explosive materials. These explosive materials will be stored pending the disposition of the action.

(3) All costs incurred in the confiscation or disposal of explosive materials as provided in this section are paid by the legal owner of the confiscated explosive materials.

HISTORY: 1986 Act No. 480, Section 11.

SECTION 23-36-120. Storage of explosive materials.

It is unlawful to store explosive materials within the boundaries of the State unless in a properly constructed and approved magazine.

HISTORY: 1986 Act No. 480, Section 12.

SECTION 23-36-130. Abandonment of explosive materials.

It is unlawful to abandon explosive materials or blasting caps in any field, culvert, ditch, waterway, building, or quarry in the State.

HISTORY: 1986 Act No. 480, Section 13.

SECTION 23-36-140. Inapplicability of chapter to fireworks and to activities of government agencies.

(1) Nothing contained in this chapter applies to the regular military or naval forces of the United States, to the duly organized military force of any state or territory, or to police or fire departments in this State if they are acting within their official capacities and in the performance of their duties.

(2) Nothing contained in this chapter applies to the use of fireworks or to the sale or storage of fireworks as regulated by the State Board of Pyrotechnic Safety.

HISTORY: 1986 Act No. 480, Section 14.

SECTION 23-36-150. Regulation of explosive materials by local governments.

Nothing contained in this chapter shall affect any existing ordinances or regulations pertaining to explosive materials of any county or incorporated city or town which are not less restrictive than the provisions of this chapter or affect, modify, or limit the power of the county or incorporated city or town to adopt ordinances and regulations pertaining to explosive materials within the county or corporate limits.

HISTORY: 1986 Act No. 480, Section 15.

SECTION 23-36-160. Employment of personnel to carry out provisions of chapter; powers and authority of agents of Division of State Fire Marshal.

The Director of the Department of Labor, Licensing & Regulation, pursuant to Section 40-73-15, may employ such personnel as may be necessary to carry out the provisions of this chapter. The agents employed by the Division of the State Fire Marshal shall have statewide authority, the power of arrest, and all other powers and authority of duly certified law enforcement officers of the State.

HISTORY: 1986 Act No. 480, Section 16; 1993 Act No. 181, Section 365.

SECTION 23-36-170. Criminal penalties.

Any person who violates the provisions of this chapter is guilty of a felony and, upon conviction, shall be punished:

(a) for the first offense, by a fine of not less than five hundred dollars nor more than one thousand, five hundred dollars or imprisonment for not more than five years, or both.

(b) for the second offense, by a fine of not less than one thousand, five hundred dollars nor more than five thousand dollars and imprisonment for not less than five years nor more than ten years.

(c) for the third offense, by a fine of not less than five thousand dollars nor more than ten thousand dollars and imprisonment for not less than ten years nor more than fifteen years.

(d) for any fourth or subsequent offense, by a fine of not less than seven thousand, five hundred dollars nor more than fifteen thousand dollars and imprisonment of not less than ten years nor more than fifteen years.

The license of any dealer or blaster is permanently revoked upon conviction for a second offense and no license may be issued to any person whose base operation is substantially the same as that of a person whose license has been permanently revoked.

HISTORY: 1986 Act No. 480, Section 17.

SUBARTICLE 3 EXPLOSIVES

71-8302. EXPLOSIVES.

(Statutory Authority: 1976 Code Sections [23-9-40\(b\)](#), [23-9-60](#), [23-36-10](#) et seq.)

71-8302.1. General.

- A. The purpose of this regulation is to provide reasonable safety and protection to the public, public property, private property, and operators from the manufacture, transportation, handling, use, and storage of explosives in South Carolina.
- B. This regulation shall apply to the manufacture, transportation, handling, use, and storage of explosives in South Carolina.
- C. This regulation does not apply to the sale or storage of *fireworks* as regulated by the [Board of Pyrotechnic Safety](#).

71-8302.2. Codes and Standards.

- A. All references to codes and standards found in these regulations refer to the editions adopted in R.71-8300.2 and are modified by the following regulations as shown below.
- B. The building code shall define occupancy classifications referenced in these regulations.

71-8302.3. Licensing and Permitting Fees.

- A. All applications for licenses, tests, or permits must be accompanied by the appropriate fees.
- B. The *OSFM* is responsible for all administrative activities of the licensing program. The *SFM* shall employ and supervise personnel necessary to effectuate the provisions of this article and shall establish fees sufficient but not excessive to cover expenses, including direct and indirect costs to the State for the operation of this licensing program. Fees may be adjusted not more than once each two years, using the method set out in S.C. Code Ann. Section [40-1-50\(D\)](#), 1976, as amended.
- C. Fees shall be established for the following:
 - 1. Application
 - 2. Background Check
 - 3. Testing
 - 4. Licensing
 - 5. Permitting
 - 6. Inspection
 - 7. Renewal
- D. All fees are due at time of application.
- E. Submission requirements for Blasting Permit application
 - 1. Applications for Blasting Permits shall be submitted to the *OSFM* for approval at least 48 hours before the start of blasting operations.
 - 2. Applications submitted less than 48 hours before the start of blasting operations may be subject to a \$200.00 special processing fee.
 - 3. Blasting Permit applications shall include the properly completed form and shall be accompanied by all information listed on the Blasting Permit application form when applying to the *OSFM* for a Blasting Permit.
- F. All fees paid to the *OSFM* are nonrefundable.

71-8302.4. Licenses and Permits.**A. Classification of Licenses and Permits**

	<u>Class</u>	<u>Category</u>	<u>Blasting Permitted</u>
1.	A	Unlimited	All types of blasting
2.	B	General	All phases of blasting operations in quarries, aboveground open pit mines, and aboveground construction
3.	C	General	All phases of blasting operations in underground mines, shafts, tunnels, and drifts
4.	D	Demolition	All phases of blasting in demolition projects
5.	E	Seismic	All phases of blasting in seismic prospecting
6.	G	Special	Special blasting as described on the permit

B. Licenses

1. No *person* shall be granted a license who has not successfully completed a written examination administered by the *OSFM* covering the applicable codes, state laws and regulations for the license classification for which they are applying.
2. Any applicant who fails the written examination is allowed one (1) re-test after a minimum seven (7) day waiting period. Any applicant who fails the re-test shall wait at least six (6) months before reapplying.
3. Licenses are not transferable.
4. The *OSFM* may accept determination of relief from disability incurred by reason of a criminal conviction that has been granted by the [Director](#) of the [Bureau of Alcohol, Tobacco, Firearms and Explosives](#), U. S. Department of Justice, Washington, D.C., pursuant to [Section 555.142, Subpart H, Title 27, Code of Federal Regulations](#) and [Title 18 United States Code, Chapter 40, Section 845\(b\)](#).
5. New applicants for licensing shall:
 - a. Submit an application for a new license.
 - b. Submit a completed fingerprint card with his or her application. The *OSFM* will conduct a criminal background check as part of the licensing application process.
 - c. Provide the appropriate Federal licenses to handle and use explosives or explosive materials. Applicants must provide a copy of applicable Federal licenses with their application.
 - d. Provide proof of public liability insurance for an amount not less than one million dollars (\$1,000,000). The coverage company must be an insurer which is either licensed by the *DOI* in this State or approved by the *DOI* as a nonadmitted surplus lines carrier for risks located in this State. In the event the liability insurance is canceled, suspended, or nonrenewed, the insurer shall give immediate notice to the *OSFM*.
6. Each applicant for renewal shall each year:
 - a. Submit an application for renewal.
 - b. Submit a completed fingerprint card with his or her application. The *OSFM* will conduct a criminal background check as part of the licensing application process.
 - c. Provide a copy of their current Federal licenses for handling and using explosives or explosive material with their renewal application.
 - d. Attend at least four (4) hours of continuing education acceptable to the *OSFM*. Certificates of training or other proof of training attendance must be provided when requested by the *OSFM*.

- e. Provide proof of insurance. The coverage company must be an insurer which is either licensed by the *DOI* in this State or approved by the *DOI* as a nonadmitted surplus lines carrier for risks located in this State. In the event the liability insurance is canceled, suspended, or nonrenewed, the insurer shall give immediate notice to the *OSFM*.
- f. An expired license shall not be renewed. A new license shall be obtained by complying with all requirements and procedures for an original license.

C. Blasting Permits

1. Blasting Permit application forms shall be available on the *OSFM* website and shall contain the information deemed appropriate by the *OSFM*. At a minimum, the application form shall include:
 - a. Applicant name and contact information;
 - b. Blaster name, license, and contact information;
 - c. Blast site information including location, purpose of blasting, and fire department responsible for responding to the site;
 - d. Anticipated date and time range of blasting operations;
 - e. Information on separation distances detailing the actual distances to the nearest gas lines, power transmission lines, public roads, and structures;
 - f. The type(s) of explosive used;
 - g. Information on quantities of explosive used including the estimated amount of explosives for the duration of the permit, amount per shot, and amount per charge; and,
 - h. Information regarding whether a seismograph will be used.
2. Blasting Permit application forms shall list all information required to be submitted with the form per R.71-8302.3.E. This list shall include at least the following:
 - a. Current certificate of insurance;
 - b. Directions to the blast site;
 - c. Site plan of the blast site showing measured distances to adjacent buildings, streets, utilities, wells, and other facilities that have been superimposed on officially published maps, electronic satellite imagery, or another means of showing the site area and its vicinity that *OSFM* determines to be acceptable;
 - d. Blasting plan that addresses proposed blasting procedures, quantity of material to be removed by blasting, number of blasts to be detonated, quantity and type of explosives to be used, maximum amount of explosives per delay, the maximum number of holes per delay, and the proposed placement of seismographs; and
 - e. Safety plan that addresses on-site storage, traffic control, barricading, signage plan, and adverse weather operation plan.
3. No permit will be granted without submission of a complete Blasting Permit application form and payment of application fee.
4. No variations from the terms of the blasting permit are allowed without authorization from the *OSFM*.

D. Magazine Permits

1. Magazine Permit Application Forms shall contain the information deemed appropriate by the *OSFM*.
2. Magazine Permit Application Forms shall be available on the *OSFM* website.
3. Magazine permits expire at 12:01 AM on January 1 of each licensing cycle. Any magazine permit not renewed by December 31 may incur a late fee of \$100.00 (each).
4. Magazine permits shall be visible on the exterior of all magazines. Defaced or destroyed permits will be reported to the *OSFM* when discovered. The *OSFM* may, at their discretion, charge the administrative costs of replacing the magazine permit.
5. Each magazine shall be inspected and approved by the *OSFM* before use.

71-8302.5. Records.

- A.** Licensed blasters shall keep records of each blast. The Blaster's Log shall contain the following minimum data:
1. Name of company or contractor;
 2. Location, date, and time of blast;
 3. Name, signature, and license number of blaster in charge of blast;
 4. Type of material blasted;
 5. Number of holes, burden and spacing;
 6. Diameter and depth of holes;
 7. Types of explosives used;
 8. Total amount of explosives used;
 9. Maximum amount of explosives per delay period of 8 milliseconds or greater;
 10. Method of firing and type of circuit;
 11. Direction and distance in feet to nearest dwelling house, public building, school, church, commercial or institutional building neither owned nor leased by the *person* conducting the blasting;
 12. Weather conditions;
 13. Type and height or length of stemming;
 14. Whether mats or other protections were used;
 15. Type of delay electric blasting caps used and delay periods used;
 16. Exact location of seismograph, if used, and the distance of seismograph from blast as indicated accurately by the *person* taking the seismograph reading;
 17. Seismograph records, where required including:
 - a. Name of *person* and *firm* analyzing the seismograph record; and
 - b. Seismograph reading;
 18. Maximum number of holes per delay period of eight milliseconds or greater.
- B.** Blasters will provide a blast report on forms approved by the *OSFM* and submit these forms within three working days of the blast when deemed necessary by the *OSFM*.
- C.** Blasting records shall be retained by the licensed blaster and available for inspection by *SFM* during normal work hours at their place of business. These blast records shall include as a minimum for each blast:
1. Blasting Permit;
 2. Seismograph reports when used;
 3. Blaster's Record/log;
 4. Pre-Blast Survey (if applicable).
- D.** Magazine log shall be available for inspection by *OSFM* upon request during normal work hours or hours of operation of the magazine.

71-8302.6. Blasting Safety and Operations.

- A. The contractor, operator, and the blaster are responsible for the conduct of blasting operations on any site.
- B. These regulations do not relieve the contractor, operator, blaster or other *persons* of their responsibility and liability under any other laws.
- C. The *OSFM* may require the use of a seismograph on any blasting operation where damage to personal property has or may occur.
- D. A Seismograph shall be used on all blasting operations: (1) within 1500 feet of a building, (2) where the scaled distances shown in *NFPA 495* are not followed, or (3) when directed by the *OSFM*.
- E. Operators must notify the *OSFM* within 24 hours of any fires or thefts involving explosives. The operators shall provide the *OSFM* with a copy of the report filed with the police department or the incident report from the fire department. Operators must also provide the *OSFM* Office with a copy of [ATF Form 5400.5](#).
- F. The operator shall have their license in their possession when handling, possessing or using explosive materials and shall show their license when asked by any *AHJ*.
- G. A copy of the blasting permit shall be kept at the firing station.
- H. This section shall be followed for firing the blast:
 - 1. A warning signal shall be given before every blast. Warning signals shall comply with the following:
 - a. Warning signal is a one (1) minute series of long horn or siren blasts five (5) minutes before the blast signal.
 - b. Blast signal is a series of short horn or siren blasts one (1) minute before the shot.
 - c. All clear signal is a prolonged horn or siren blast following the inspection of the blast area.
 - 2. The signal shall be made from an air horn, siren or other device, and must be loud enough to be clearly heard in all areas that could be affected by the blast or flyrock from the blast. The signal must be distinctive and unique so that it cannot be confused with any other signaling system that might occur on the site. A vehicle horn shall not be used as a signaling system.

71-8302.7. Explosives and Investigations.

All costs incurred by the *OSFM* for investigations involving explosives or blasting operations shall be reimbursed to the State by the individual or company involved in the investigation. Such reimbursements will only apply when the individual or company has been found in violation of the South Carolina Explosives Control Act (S.C. Code Ann. [23-36-10](#), et seq., 1976, as amended) or these Regulations.

71-8302.8. Variances.

- A. This section provides licensees the opportunity to request variances of the regulations under specific conditions.
 - 1. The *OSFM* may grant variances when it can be demonstrated the variance improves safety or provides an equivalent level of safety as provided in the regulations and adopted codes.
 - 2. Such a variance may be modified or revoked by the *OSFM*.
 - 3. When applicable, these variances must also be approved by the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives.