



Explosive Handler

Statutes and Regulations

February 2012

**Labor Standards and Safety Division
Mechanical Inspection**



**ALASKA DEPARTMENT OF LABOR
& WORKFORCE DEVELOPMENT**

Jobs are Alaska's Future

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WEB ADDRESSES

Certificate of Fitness

www.labor.state.ak.us/lss/mihome.htm
Applications and Licensing Information

Contractor Information

www.commerce.state.ak.us/occ/pcon.htm

Electrical Administrator

www.commerce.state.ak.us/occ/pead.htm
Electrical CEU Provider List

Mechanical Administrator

www.commerce.state.ak.us/occ/pmec.htm
Plumbing CEU Provider List

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Note to Readers: The statutes and administrative regulations listed in this publication were taken from the official codes, as of the effective date of the publication. However, there may be errors or omissions that have not been identified and changes that occurred after the publication was printed. **This publication is intended as an informational guide only and is not intended to serve as a precise statement of the statutes and regulations of the State of Alaska. To be certain of the current laws and regulations, please refer to the official codes.**

STATUTES
Chapter 08.52. EXPLOSIVES HANDLERS

Sec. 08.52.010. Power to adopt regulations.

The Department of Labor and Workforce Development may issue orders and adopt regulations relating to the storage and use of explosives necessary to carry out the purposes of this chapter.

Sec. 08.52.020. Certificate of fitness required.

In connection with an excavation, tunnel, quarry, earth removal, or construction carried on in this state, a person may not be employed without a certificate of fitness, while engaged in

- (1) emplacing explosives for detonation;
- (2) installing primers, fuses, wires, or other means of detonation; or
- (3) detonating explosives.

Sec. 08.52.030. Application for and issuance of certificate.

The department shall issue certificates of fitness. A certificate may be issued only to an individual. An applicant for a certificate shall apply in writing, under oath, on a form prescribed by the department containing

- (1) the name and address of the applicant;
- (2) the applicant's age;
- (3) the applicant's citizenship;
- (4) the applicant's fingerprints and fees for a criminal background check conducted under AS 08.52.035; and
- (5) other information that the department requires.

Sec. 08.52.035. Criminal justice information and records.

(a) An applicant for the issuance or renewal of a certificate of fitness under this chapter shall submit to the department, with the application, the applicant's fingerprints and the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check. The department shall submit the fingerprints to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400. The Department of Public Safety may submit the fingerprints to the Federal Bureau of Investigation for a national criminal

history record check. The department shall use the information obtained under this section in its determination of an applicant's qualification for issuance or renewal of a certificate of fitness.

(b) In this section, "criminal justice information" has the meaning given in [AS 12.62.900](#).

Sec. 08.52.040. Issuance and contents of certificate.

(a) If, upon investigation and examination by the department, the applicant is found competent by reason of training, experience, criminal history and background check, and physical fitness, the department shall issue a certificate of fitness. The certificate must set out the competency of the applicant and provide for positive identification of the applicant, and shall be carried on the person engaged in handling explosives.

(b) The department shall establish in regulation standards of competency based on training, experience, criminal history and background checks, and physical fitness for the issuance of a certificate of fitness.

Sec. 08.52.050. Fee.

An applicant for a certificate of fitness shall pay a fee at the time of application in the amount established by regulations adopted by the department.

Sec. 08.52.060. Duration of certificate.

A certificate of fitness is effective for three years from the date of issue. The department may cancel a certificate for cause.

Sec. 08.52.070. Persons exempt.

Persons employed in mining operations as defined in [AS 27.20.061](#) are exempt from the provisions of this chapter.

Sec. 08.52.080. Violations and penalties.

An employer who violates a provision of this chapter or a regulation adopted or order made under authority of this chapter is punishable by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both. Each day's continuance of a violation constitutes a separate offense.

Sec. 08.52.100. Definition.

In this chapter, "department" means the Department of Labor and Workforce Development.

REGULATIONS
Article 11
Occupational Safety and Health Standards

8 AAC 61.1020. Additional explosive and blasting standards

(a) In addition to the requirements set out in 29 C.F.R. 1910.109 (e), as amended, an employer shall ensure the following:

(1) all employees doing excavation, tunnel, quarry, earth removal, or construction work, and who are emplacing explosives for detonation, installing primers, fuses, wires, or other means of detonation, or detonating explosives, are required to obtain a certificate of fitness for explosive handlers issued by the department, the standards and application procedures for certificate of fitness for explosive handlers are contained in 8 AAC 62.020 - 8 AAC 62.070;

(2) an employee handling explosive materials shall be supervised by a holder of a certificate of fitness for explosive handlers and shall be at least 18 years of age.

(b) Notwithstanding 29 C.F.R. 1910.109(e)(1)(v), if fewer than six hours of daylight will occur in a 24-hour period, blasting operations may be performed at night if the employer ensures that the following additional safety requirements for employees are met:

(1) all affected employees must be notified before night-time blasting operations are begun; notification must be by verbal communication and by posting a notice in a place where notices to employees are usually posted by the employer;

(2) the department must be notified at least 72 hours before blasting work is begun, indicating the location where blasting will be done and the approximate length of time the blasting will be in progress; upon completion of the blasting operations, the department must be notified of completion;

(3) written procedures on how night blasting operations will be controlled must be made available upon request to the department when blasting is to be done within one-half mile of populated areas; these procedures must show the specific precautions that will be taken to ensure control of the site where blasting will be done and must place an emphasis on the protection of employees;

(4) the blaster must have a current state certificate of fitness for explosive handling and must be designated in writing by the employer for each night-blasting project; the blaster shall be responsible for all activities of employees within the blasting area and within 100 feet of the blasting area; the blaster shall control access by employees to this area;

(5) a minimum of four mobile flood light complexes must be used to illuminate the

blasting area; each flood light complex must have its own generator plant, complete with four 1,000 watt flood lights, and must be capable of illuminating the blasting area so that there will be no shadows or darkened areas; additional flood light complexes must be brought into use if the blaster considers them necessary for safe operations to protect employees;

(6) the employer shall control access to the entire site to ensure that an employee does not enter unsafe areas during the blast;

(7) the blaster must be protected from flying rock by either adequate shelter or by keeping a safe distance from the blast; all other employees shall leave the blast site and keep a sufficient distance away from flying rock due to the blast;

(8) after the blast, and before any employees or equipment enter the blast site, the flood light complexes must be repositioned to illuminate the site as specified by the blaster; the blaster shall examine the area for misfires, loose explosives, or other hazards; handheld battery-powered lamps, approved by a nationally recognized testing laboratory as defined in 29 C.F.R. 19 for use in hazardous locations, may be used to supplement the flood light complexes during this examination; an employee may not enter the area until the blaster gives clearance to do so.

(c) In this section, "night" or "night time" means the hours from one-half hour after sunset to one-half hour before sunrise. (Eff. 12/6/95, Register 136)

Authority: AS 18.60.020 AS 18.60.030 AS 18.60.075

Chapter 62
Explosives Handlers

Section

- 10. (Repealed).
- 20. Applications for certificates.
- 30. General certificate of fitness.
- 35. Duplicate certificate of fitness.
- 40. (Repealed).
- 50. Examinations.
- 55. Renewal of certificate of fitness.
- 56. Renewal of a lapsed certificate of fitness.
- 59. Training requirements.
- 60. Revocation of certificate of fitness.
- 65. Appeals.
- 70. Definitions.

8 AAC 62.010. Certificate of fitness required

Repealed 5/26/79.

8 AAC 62.020. Applications for certificates

(a) All persons handling explosives who are required by [AS 08.52.020](#) to hold a certificate of fitness shall apply for a certificate in writing on a form prescribed by the department. The application must include the following information:

- (1) applicant's name and address;
- (2) applicant's age;
- (3) applicant's citizenship;
- (4) applicant's employment history;
- (5) applicant's physical disabilities;
- (6) whether applicant has ever been licensed as an explosive handler;
- (7) whether applicant has ever been refused a license and the reason for the refusal;

- (8) whether applicant's explosive handler's license was ever revoked;
- (9) whether the applicant is under indictment for or has been convicted of a crime as described in 18 U.S.C. 842(i)(1) or 8 AAC 62.030(a) (6);
- (10) documentation of completion of a training course that meets the requirements of 8 AAC 62.059;
- (11) information related to any of the factors listed in 18 U.S.C. 842(i)(1) - (7).

(b) The application must include two copies of the applicant's fingerprints and fees as required under AS 08.52.035, except that an applicant may instead submit the applicant's original documentation issued by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (USATFE) showing the applicant's successful background check conducted within the 18 months preceding the date of application by USATFE for the purposes of obtaining a federal license for the transportation, shipping, receiving, or possession of explosive materials.

History: Eff. 1/2/71, Register 36; am 5/26/79, Register 70; am 9/27/2008, Register 187; am 2/ 23/2011, Register 197)

Authority: AS 08.52.010 AS 08.52.030 AS 08.52.035

Editor's note: With Register 179, October 2006 and under the authority of AS 44.62.125 , the regulations attorney changed obsolete terminology concerning persons with disabilities in conformity with ch. 25, SLA 2006.

8 AAC 62.030. General certificate of fitness

A certificate of fitness authorizes the holder to use explosives in connection with activities described in AS 08.52.020 , if the use of the explosives is not otherwise prohibited by law. A certificate of fitness, effective for three years after the date of issue, will be issued by the department if the applicant

- (1) passes an examination provided by the department;
- (2) has at least six months of documented, hands-on experience in this state as a chuck tender, driller, or helper of a holder of a certificate of fitness;
- (3) is not afflicted with a mental or physical disability that could affect the applicant's safe handling and use of explosives;
- (4) pays a \$150 fee;
- (5) is not under indictment for, and has not been convicted of, a crime as described in 18 U.S.C. 842(i)(1);
- (6) is not under indictment for, and has not been convicted of, any of the following

crimes:

(A) a misdemeanor, including an attempted misdemeanor, under AS 11.41

(Offenses Against the Person), or an offense under a law or ordinance of another jurisdiction having elements similar to that offense;

(B) a misdemeanor, including an attempted misdemeanor, under AS 11.46 (Offenses Against Property), or an offense under a law or ordinance of another jurisdiction having elements similar to that offense;

(C) a misdemeanor involving domestic violence; in this subparagraph, "misdemeanor involving domestic violence" means a misdemeanor within the meaning of "crime involving domestic violence" in AS 18.66.990 ; and

(7) would not be prohibited from transporting, possessing, storing, or manufacturing explosives under 18 U.S.C. 842(i)(2) - (7).

History: Eff. 1/2/71, Register 36; am 5/26/79, Register 70; am 7/31/86, Register 99; am 11/7/93, Register 128; am 9/27/2008, Register 187

Authority: AS 08.52.010 AS 08.52.020 AS 08.52.030 AS 08.52.040 AS 08.52.050

Editor's note: With Register 179, October 2006 and under the authority of AS 44.62.125 , the regulations attorney changed obsolete terminology concerning persons with disabilities in conformity with ch. 25, SLA 2006.

8 AAC 62.035. Duplicate certificate of fitness

Upon losing a certificate of fitness identification card, the holder shall immediately notify the mechanical inspection section of the department. The cardholder may apply for a duplicate certificate of fitness by paying a \$25 fee and providing a government-issued identification card containing the individual's photograph.

History: Eff. 6/14/2006, Register 178

Authority: AS 08.52.010 AS 08.52.020 AS 08.52.030 AS 08.52.040 AS 08.52.050

8 AAC 62.040. Special certificate of fitness

Repealed 5/26/79.

8 AAC 62.050. Examinations

If an applicant fails to pass the examination, another examination will be given at the request of the applicant, if at least 30 days have elapsed from the date of the first examination. Only two examinations will be given in a six-month period.

History: Eff. 1/2/71, Register 36; am 5/26/79, Register 70

Authority: AS 08.52.010 AS 08.52.040

8 AAC 62.055. Renewal of certificate of fitness

- (a) A certificate of fitness is effective for three years after the date of issue, and may be renewed without reexamination if the certificate holder
 - (1) submits an updated application on a form prescribed by the department within 30 calendar days after the expiration date of the certificate; and
 - (2) pays a \$150 fee; and
 - (3) provides proof of having completed, within 18 months before application for renewal,
 - (A) the 32-hour initial training course required under 8 AAC 62.059; or
 - (B) the eight-hour refresher course required under 8 AAC 62.059.
- (b) In its discretion, the department will refuse to renew a certificate for cause.
- (c) When the department refuses to renew a certificate, the applicant will be
 - (1) promptly notified in writing of the reason for the refusal; and
 - (2) advised in writing that the applicant has the right to appeal the refusal action to the commissioner.
- (d) The application must include two copies of the applicant's fingerprints and fees as required under AS 08.52.035, except that an applicant may instead submit the applicant's original documentation issued by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (USATFE) showing the applicant's successful background check conducted within the 18 months preceding the date of application by USATFE for the purposes of obtaining a federal license for the transportation, shipping, receiving, or possession of explosive materials.

History: Eff. 5/26/79, Register 70; am 7/31/86, Register 99; am 11/7/93, Register 128; am 9/27/2008, Register 187

Authority: AS 08.52.010 AS 08.52.030 AS 08.52.035 AS 08.52.040 AS 08.52.050

8 AAC 62.056. Renewal of a lapsed certificate of fitness

- (a) If a certificate of fitness is not renewed on or before its expiration date as established under AS 08.52.060 , the certificate of fitness lapses.
- (b) If a certificate of fitness is lapsed no more than 12 months, the holder may apply for renewal under 8 AAC 62.055. An applicant for renewal under this subsection must meet the requirements of 8 AAC 62.055. The applicant is not required to pass an examination.
- (c) If a certificate of fitness is lapsed more than 12 months and less than five years, the holder may apply for renewal under 8 AAC 62.055. In addition to meeting the requirements of 8 AAC 62.055, an applicant for renewal under this subsection must re-take and pass the examination required under 8 AAC 62.030(1) .
- (d) A certificate of fitness may not be renewed if it has been lapsed for five years or more.

History: Eff. 9/27/2008, Register 187

Authority: AS 08.52.010 AS 08.52.030 AS 08.52.040 AS 08.52.060

8 AAC 62.059. Training requirements

- (a) For an applicant for a certificate of fitness to satisfy the training course requirement in 8 AAC 62.020, or for an applicant for renewal of a certificate to meet the refresher course requirement in 8 AAC 62.055, the applicant must document that the course provides at least
 - (1) 32 hours of instruction in the subject areas listed in (b) of this section, if the course is an initial training course;
 - (2) eight hours of instruction in the subject areas listed in (b) of this section, if the course is a refresher course.
- (b) An initial or refresher course must include instruction in each of the following subject areas:
 - (1) an introduction to being an explosives handler;
 - (2) federal statutes and regulations that pertain to explosives handlers;
 - (3) statutes and regulations of this state that pertain to explosives handlers;
 - (4) types and properties of explosives;
 - (5) initiation systems;

- (6) blast design;
- (7) environmental effects controlling blasting damage;
- (8) priming and loading operations;
- (9) blasting safety practices;
- (10) transportation, recordkeeping, and cold weather operations;
- (11) blasting calculations.

History: Eff. 9/27/2008, Register 187

Authority: AS 08.52.010 AS 08.52.030 AS 08.52.040

8 AAC 62.060. Revocation of certificate of fitness

- (a) The department will, in its discretion, revoke a certificate of fitness for cause. The director will hold a hearing to take testimony and will consider the testimony before a decision is made whether to revoke the certificate.
- (b) When the department revokes a certificate, the certificate holder will be
 - (1) promptly notified in writing of the reason for the revocation; and
 - (2) advised in writing of the right to appeal the revocation action to the commissioner.
- (c) A person whose certificate is revoked under this section shall surrender the certificate to the department. A person is ineligible to obtain a new certificate for a period of at least 90 days, but not exceeding one year, after the date of revocation, as determined by the department.

History: Eff. 1/2/71, Register 36; am 5/26/79, Register 70; am 7/31/86, Register 99

Authority: AS 08.52.010 AS 08.52.060

8 AAC 62.065. Appeals

- (a) A revocation under 8 AAC 62.060 or a refusal by the department to renew a certificate under 8 AAC 62.055 is final unless the person affected files an appeal with the commissioner within 30 calendar days after receipt of the notice of refusal or revocation. The appeal must be in writing and must include
 - (1) a specification of objections to the department's findings, and a concise summary of

facts in support of each objection; and

(2) a description of the relief which is sought.

(b) The commissioner's decision will be based upon the departmental record and will state the facts relied upon by the commissioner in deciding the matter.

(c) In his discretion, the commissioner will hold a hearing on the appeal to supplement the departmental record where clarification or additional facts are necessary for a proper resolution of the appeal.

(d) A copy of the commissioner's decision will be sent to the appellant by certified mail.

History: Eff. 5/26/79, Register 70

Authority: AS 08.52.010 AS 08.52.040

8 AAC 62.070. Definitions

In 8 AAC 62.010 - 8 AAC 62.065

(1) "cause" means

(A) providing false information on the application furnished by the applicant or certificate holder to the department;

(B) evidence of improper handling, transportation, use, or storage of explosives by the applicant or certificate holder;

(C) a mental or physical disability that, even with reasonable accommodation, would interfere with the applicant or certificate holder's safe handling of explosives;

(D) the applicant's or certificate holder's indictment for or conviction of a crime as described in 18 U.S.C. 842(i)(1) or 8 AAC 62.030(a) (6);

(E) prohibition of the applicant or certificate holder from transporting, possessing, storing, or manufacturing explosives under 18 U.S.C. 842(i)(2) - (7); or

(F) other conduct considered by the department to show the applicant not to be competent to hold a certificate of fitness as set out in 8 AAC 62.020(a) ;

(2) "commissioner" means the Commissioner of Labor and Workforce Development or his designee;

- (3) "department" means the Department of Labor and Workforce Development;
- (4) "director" means the director of the division of labor standards and safety, Department of Labor and Workforce Development, or a designee;
- (5) "examination" means a series of prepared questions administered either in writing or orally;
- (6) "convicted" or "conviction" means a judgment entered by a court of competent jurisdiction in this state or another jurisdiction, either upon the entry of a plea, including a plea of no contest or nolo contendere, or after a bench or jury trial; "convicted" or "conviction"
 - (A) includes a suspended imposition of sentence, even if the conviction is formally set aside under AS 12.55.085 ; and
 - (B) does not include an executive order of clemency, or a record that has been expunged by order of a court;
- (7) "indictment" means one of the following, pending adjudication or dismissal of the matter, or a decision by the district attorney's office not to prosecute:
 - (A) an indictment by information or presentment for an offense;
 - (B) an arrest and provision of a uniform summons and complaint for an offense.

History: Eff. 1/2/71, Register 36; am 5/26/79, Register 70; am 10/2/83, Register 87; am 9/27/2008, Register 187

Authority: AS 08.52.010 AS 08.52.040

Editor's note: As of Register 151 (October 1999), the regulations attorney made technical revisions under AS 44.62.125 (b)(6) to reflect the name change of the Department of Labor to the Department of Labor and Workforce Development made by ch. 58, SLA 1999 and the corresponding title change of the commissioner of labor.