

TENNESSEE STATE FIRE MARSHAL'S OFFICE

2023 ANNUAL REPORT ON BLASTING FINES IN TENNESSEE



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Overview

Tennessee Code Annotated § 68-105-103(b)(8) requires the Commissioner of the Department of Commerce and Insurance (Department) to file an annual report with the House of Representatives Commerce Committee and the Senate Commerce and Labor Committee. The report should provide information in detail for the committees to determine whether the fines established pursuant to subdivision (b)(6) are sufficient to ensure the required blasting notifications are being timely filed with the Commissioner. The annual report is to be filed no later than March 1 of each year.

The Department, through the State Fire Marshal's Office (SFMO), regulates the blasting program through the licensure of blasters and by monitoring for compliance with the program requirements as defined by statute and rule. Minimum compliance with state and federal blasting statutes increases the safety of the public and buildings near the blast site. Compliance also provides reasonable limits for ground and air vibrations that have been shown to minimize damage to nearby structures.

Definitions

1. "Blaster" means a person qualified by reason of training, knowledge, experience, and registration to fire or detonate explosives in blasting operations.
2. "Blasting operation" means the use of explosives in the blasting of stone, rock, ore, or any other natural formation or in any construction or demolition work.
3. "Commissioner" means Commissioner of the Department of Commerce and Insurance.

Regulation

Tennessee Code Annotated § 68-105-103(b)(1) requires a blaster to provide notice to the Department of the exact location a blast or blasts will occur. Notice of the blast must be made at least seventy-two (72) hours before blasting operations commence and must contain the beginning and ending date for the blasting operation. The notice must be made in a manner as required by the Commissioner. An exception to the notification requirements exists for blasting operations with five (5) pounds or less of explosives. Blasting notifications increase the efficiency of the SFMO to respond to complaints as the specific dates and locations for blasting allow for coordination in a timely manner. These notifications of blasting also assist with complaints as citizens do not often have the specific address of the blasting operation or the name of the blasting firm, so the notification from the blasting companies helps the SFMO locate the project to properly inspect complaints.

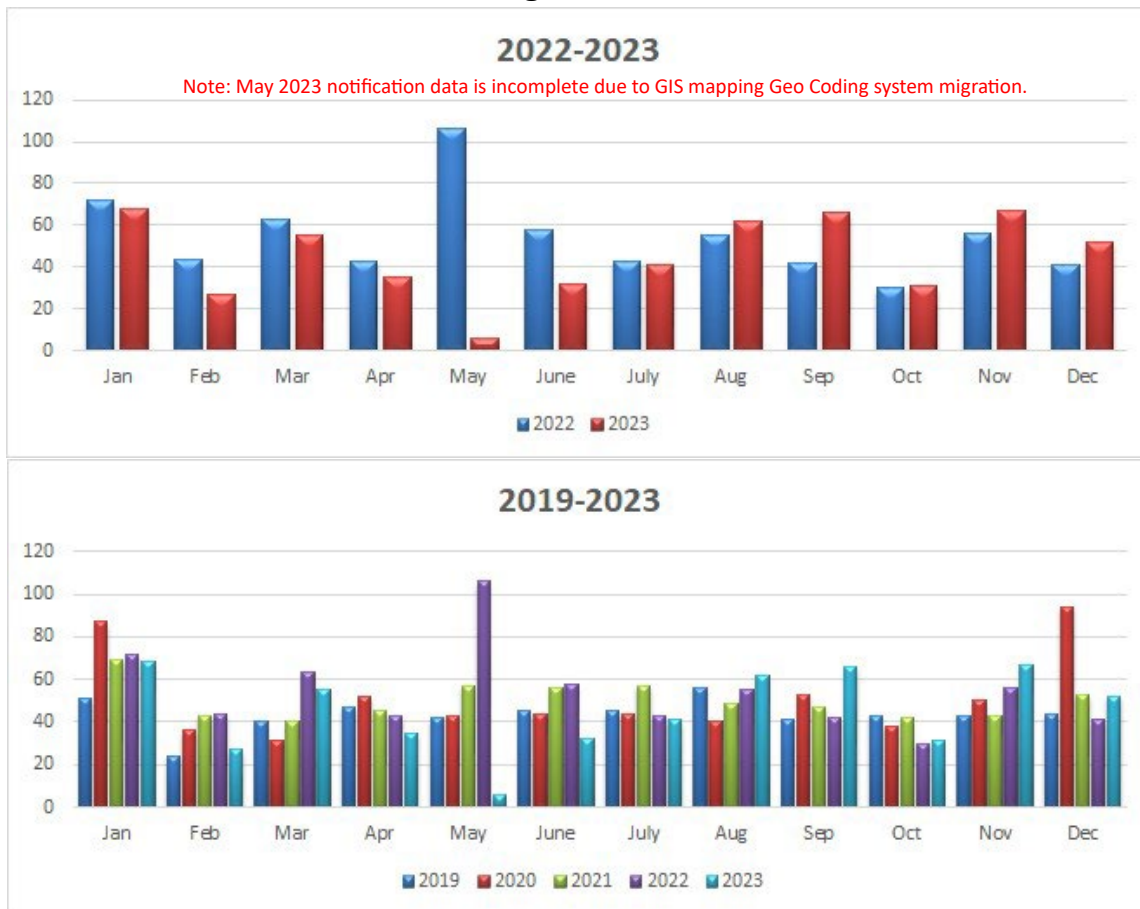


Public utility providers may begin blasting to restore services in unusual circumstances. The public utility provider or the provider's designated contractor may begin blasting operations prior to notifying the department, provided notice is given as soon as possible. Notification requirements are met by filing a one-time notice of the location for permanent blasting operations, such as but not limited to commercial quarries, mines, or cemeteries with recurring blasting operations.

Violation of the law allows the Commissioner to assess a fine in the amount of one hundred dollars (\$100) but, for good cause shown, the Commissioner may waive the payment of such fine. A second or subsequent violation by the same person shall be assessed a five hundred-dollar (\$500) fine; however, for good cause shown, the Commissioner may waive the payment of such fine. Fines collected are retained by the Department to defray the cost of administering and enforcing this law.

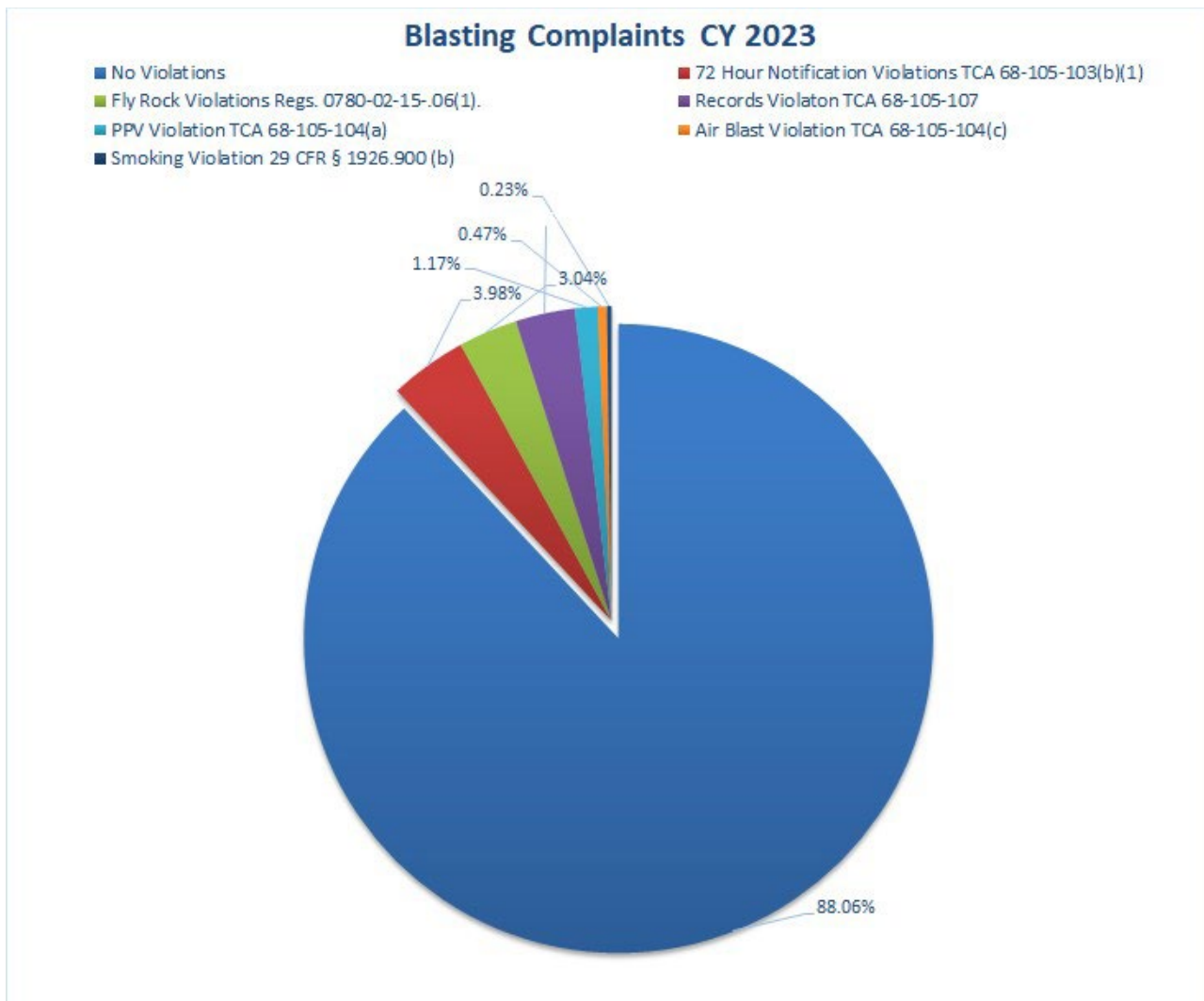
The SFMO received a total of five hundred forty-two (542) blasting notifications during calendar year 2023, which was down from six hundred fifty-three (653) blasting notifications in 2022. The table below shows the number of blast notices received from January 2023 to December 2023.

Blasting Notifications





During calendar year 2023, the SFMO received four hundred twenty-seven (427) blasting related complaints. Following investigation of each complaint, three hundred seventy-six (376) complaints were found to have no violation. All complaints received are prioritized with response directly to the constituent from staff that includes follow-up once the complaint is resolved. The chart below provides a breakdown of the types of potential violations.



Conclusion

Based on the findings of this report, and in compliance with Tennessee Code Annotated § 68-105-103(b)(8), the Department does not recommend any changes to the fines established for blasting violations.

