

To: Whom It May Concern
Date: 02/19/02
From: George W. Rickman, Jr.
Agency Regulatory Coordinator
Department of Housing and Community Development
Subject: Update SFPC

The SFPC, effective September 15, 2000, contains the following errata/updates:

1. Insert the following errata in **Section F-3002.0 Definitions;**

BNFPC Section F-3002.0 Definitions.

Add the following definitions:

Blaster, restricted: Any person engaging in the use of explosives or blasting agents utilizing five pounds (2.25 kg) or less per blasting operation and using instantaneous detonators.

Blaster, unrestricted: Any person engaging in the use of explosives or blasting agents without limit to the amount of explosives or blasting agents or type of detonator.

2. Insert the following errata in **Section F-3101.0 General;**

BNFPC Section F-3101.0 General.

Change subsection F-3101.1 to read:

F-3101.1. Scope: The manufacture, display, sale and discharge of fireworks shall comply with the provisions of this chapter and § 59.1-148 of the Code of Virginia.

3. Insert the following errata in **Section F-707.0 High-Rise Buildings;**

Add subsection F-707.4 to read:

F-707.4. Fire exit drills: Fire exit drills shall be conducted annually by building staff personnel or the owner of the building in accordance with the fire safety plan and shall not affect other current occupants.

4. Insert the following update related to the certification of **blasters;**

The following regulatory action is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 C 4 (a) of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved.

Effective Date: January 17, 2001.

Summary: The amendments require a national criminal history record check of all applicants for a permit to manufacture, store, handle, use or sell explosives and of any applicant for certification as a blaster.

Section F-107.0. Fees.

F-107.1. Local and **F-107.2. State,** No Change.

F-107.2.1. Additional fees: *The applicant shall pay all additional fees charged by other agencies for fingerprinting and for obtaining a national criminal history record check through the Central Criminal Records Exchange to the Federal Bureau of Investigation.*

F-107.3. Fee schedule and **F-107.4. Payment of fees,** No Change.

Section F-108.0. Permits.

F-108.1. Prior notification, No Change.

F-108.2. Permits required: Permits may be required by the code official as permitted under the SFPC in accordance with Table F-108.2, except that the fire code official shall require permits for the manufacturing, storage, handling, use, and sale of explosives. An application for a permit to manufacture, store, handle, use, or sell explosives shall only be made by an individual certified as a blaster in accordance with Section F-3003.5, or by a person who has been issued a background clearance card in accordance with Section F-3001.2.3.1.

Exception: Such permits shall not be required for the storage, handling, or use of explosives or blasting agents by the Virginia Department of State Police provided notification to the fire code official is made annually by the Chief Arson Investigator listing all storage locations.

Remainder of **Section F-108.0. Permits, No Change.**

BNFPC Section F-202.0. General Definitions.

Add the following definitions:

Background clearance card: See Section F-3002.0.

Remainder of **BNFPC Section F-202.0. General Definitions, No Change.**

BNFPC Chapter 30. Explosives, Ammunition and Blasting Agents

Add Sections F-3001.2.3, F-3001.2.3.1, F-3001.2.3.2, and F-3001.2.3.3 to read:

Section F-3001.2.3. Background investigations: The fire official shall not issue a permit to manufacture, store, handle, use or sell explosives or blasting agents to any individual applicant who is not certified by the department as a blaster or who is not in the possession of a background clearance card, or to designated persons representing an applicant that is not an individual and who is not in possession of a background clearance card. The department shall process all applicants for a blaster certification and designated persons for compliance with § 27-97.2 of the Code of Virginia and will be the sole provider of background clearance cards and blaster certifications.

Section F-3001.2.3.1. Background clearance card: A background clearance card may be issued upon completion of the following requirements:

1. Any firm or company manufacturing, storing, using or selling explosives in the Commonwealth shall provide the name of a designated person or persons who will be a representative of the company and be responsible for (i) ensuring compliance with state law and regulations relating to blasting agents and explosives and (ii) applying for permits from the fire official.

2. Using a form provided by the department, all individual applicants and all designated persons representing an applicant that is not an individual shall submit to a background investigation, to include a national criminal history record check, for a permit to manufacture, store, handle, use or sell explosives, and for any applicant for certification as a blaster.

3. Each such applicant shall submit fingerprints and provide personal descriptive information to the department to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining a national criminal history record check regarding such applicant.

Section F-3001.2.3.2. Issuance of a background clearance card: The issuance of a background clearance card shall be denied if the applicant or designated person representing an applicant has been convicted of any felony, whether such conviction occurred under the laws of the Commonwealth or any other state, the District of Columbia, the United States or any territory thereof, unless his civil rights have been restored by the Governor or other appropriate authority.

Section F-3001.2.3.3 Revocation of a background clearance card or blaster certification: After issuance of a background clearance card or blaster certification, subsequent conviction of a felony will be grounds for immediate revocation of a background clearance card or blaster certification, whether such conviction occurred under the laws of the Commonwealth or any other state, the District of Columbia, the United States or any territory thereof. The card or certification shall be returned to the department immediately. An individual may reapply for his background clearance card or blaster

certification if his civil rights have been restored by the Governor or other appropriate authority.

Add to BNFPC Section F-3002.0. Definitions, the following definition to read:

Background clearance card: An identification card issued to an individual who is not a certified blaster and is representing himself or acting as a representative of a company, corporation, firm or other entity, solely for the purpose of submitting an application to the fire code official for a permit to manufacture, use, handle, store, or sell explosive materials.

BNFPC Section F-3003.0. General Requirements, BNFPC Section F-3005.0. Transportation of Explosives, and BNFPC Section F-3009.0. Blasting.

Add subsection F-3003.5 to read:

F-3003.5. Certification of blasters: Persons engaging in the use of explosives or blasting agents shall be certified as a restricted or unrestricted blaster by the DHCD or shall be supervised on-site by a person properly certified by the DHCD as a restricted or unrestricted blaster. Certificates will be issued upon proof of successful completion of an examination approved by the DHCD and a background investigation for compliance with § 27-97.2 of the Code of Virginia. The applicant for certification shall be at least 21 years of age and shall submit proof to the DHCD of the following experience:

1. For certification as a restricted blaster, at least one year under direct supervision by a certified unrestricted blaster, certified restricted blaster or other person approved by the DHCD.
2. For certification as an unrestricted blaster, at least one year under direct supervision by a certified unrestricted blaster or other person approved by the DHCD. Exception: The owner of real estate parcels of five or more acres conforming to the definition of "real estate devoted to agricultural use" or "real estate devoted to horticultural use" in § 58.1-3230 of the Code of Virginia when blasting on such real estate.

Add subsection F-3003.5.1 to read:

F-3003.5.1. Fee for certification: No Change.

Add subsection F-3003.5.1 to read:

F-3003.5.1.1. Additional fees: The applicant shall pay all additional fees charged by other agencies for fingerprinting and for obtaining a national criminal history record check through the Central Criminal Records Exchange to the Federal Bureau of Investigation.

Add subsection F-3003.5.2 to read:

F-3003.5.2. Renewal of blaster certificate or background clearance card: A certificate for an unrestricted or restricted blaster shall be valid for three years from the date of issuance. A background clearance card shall be valid for three years from the date of issuance. Renewal of the unrestricted blaster certificate will be issued upon proof of at least 16 hours of continued training or education in the use of explosives within three consecutive years and a background investigation for compliance with § 27-97.2 of the Code of Virginia. Renewal of the restricted blaster certificate will be issued upon proof of at least eight hours of continued training or education in the use of explosives within three consecutive years and a background investigation for compliance with § 27-97.2 of the Code of Virginia. Renewal of a background clearance card will be issued upon the completion of a background investigation for compliance with § 27-97.2 of the Code of Virginia.

F-3003.6. Reports of stolen explosives, F-3003.7. Report of injuries or property damage and Section F-3005.0. Transportation of Explosives: No Change.