

HOUSE BILL 0175 - PUBLIC SAFETY – STATE FIRE MARSHAL – EXPLOSIVES LICENSE

TESTIMONY OF DEPUTY CHIEF DUANE K. SVITES

January 28, 2020

Good Afternoon, Mr. Chairman Clippinger, Madam Vice Chair Atterbeary and Members of the Judiciary Committee, I am Deputy Chief Duane K. Svites I am the Bomb Squad Commander for the Office of the state Fire Marshal.

Last year some inconsistencies were brought to our attention during the blasting operations on the Purple Line within Montgomery County. This made us conduct a complete review of Tile 11 within the Public safety article on Explosives. As a result of that review the changes to the chapter that you have before are highlighted and the explanation is bolded.

11-107 – Issuance of license

(b) Denial of application -

(5) The application, or officer, agent, or employee of the applicant who will be handling explosives, will use the explosives for **an inappropriate and** illegal purpose.

**** Under current wording of the law, the applicant is only asked for the “reason” for the application and the reviewer has no room to review the request for a legitimate and legal reason for obtaining the license. There has been at least one instance in two years where an applicant merely desired to obtain a license to manufacture, deal or possess a blaster’s permit and had no purpose (i.e., working for a licensed company doing authorized work, etc.). Adding the suggested phrase of “legal and valid” gives the reviewer some latitude to potentially reject an applicant who has no appropriate and legal reason for obtaining a permit/license.**

11-107 – Issuance of license

(e) Notice of issuance – On issuance of a license or permit under this section, the State Fire Marshal shall notify:

(1) & (2) *–proposed to be struck and replaced with...* (1) **with The Maryland Joint Operation’s Center (MJOC).**

**** Under the current wording of the law, the OSFM is responsible for tracking down and notifying individual Fire Chiefs or 911 centers, whereas NFPA 495 allows for up to a 24 hour window of notifications. This makes it unreasonable for the proper and timely notifications to these individuals, based on staffing and assignments from the OSFM Bomb Squad. The OSFM has already successfully begun using an automating blaster notifications system through web-based electronic access. This web-based system goes directly to the MJOC, who has the staffing and resources to immediately notify the effected 911 center and the OSFM simultaneously. And, this offers immediate notifications to the right places and prevents unnecessary emergency responses by public safety resources for complaints of blasting operations that are otherwise unknowingly going on.**

11-110 – Employees of businesses or operations that use explosives

- a. Sale or issuance of explosives to employees – The owner or operator of a mine, quarry, or other operation or business that uses explosives, or a contractor who performs work that uses explosives, required to obtain a license to engage in business as a dealer under this subtitle:

(4) **ADDED – Shall operate and use explosives within any adopted time restrictions that may be imposed by the local authority having jurisdiction (*May use explosives only within time restrictions that are established by the political subdivision in which the explosives will be used, including the use of explosives for State projects*).**

**** The provisions within the State’s adopted codes for blasting (NFPA 495) have no time restrictions noted. Adding this provision offers jurisdictional Authorities Having Jurisdiction the opportunity to codify a local time restriction for blasting operations and it would be enforced by State statute.**

Based on these necessary changes to improve upon this chapter we would ask the committee for a favorable report.