

Minutes for Blasting Safety Board Meeting
Jefferson City, Missouri
August 07, 2024

Meeting was called to order by Board Chairman Keith Henderson on August 7, 2024. Roll call was made at 10:10am:

Keith Henderson Board Chairman
Ed Twehous, Board Member
Randy Wheeler, Board Member - absent
Ted Martin, Board Member
Scott Stoneberger, Deputy Chief, Investigations and Explosives Enforcement Unit, SFM Office
Chad Hildebrand, Captain, Investigations and Explosives Enforcement Unit, SFM Office
Robin Jaegers, Executive I, Investigations and Explosives Enforcement Unit, SFM Office
Jessica Prewett, Fiscal & Administrative Manager, Missouri Division of Fire Safety – absent
Matt Luetkemeyer, Asst State Fire Marshal, Missouri Division of Fire Safety
J. Tim Bean, State Fire Marshal, Missouri Division of Fire Safety

Randy Wheeler, Board Member, and Jessica Prewett, Fiscal & Administrative Manager of, Missouri Division of Fire Safety were absent from the meeting.

All present received a copy of the minutes from the last board meeting and today's agenda.

Board Chairman Henderson read the minutes from the last board meeting. Board member Ed Twehous approved the motion and seconded by Board Member Ted Martin.

Board member Keith Henderson inquired about the quorum status. Asst. State Fire Marshal Matt Luetkemeyer confirmed that we had enough members present to constitute a quorum. The board noted that we are currently four members down and the three existing members are expired. Asst. State Fire Marshal Luetkemeyer referenced RSMo 319.324, paragraph 2 which states Each board member shall serve for a term of six years, except for the members initially appointed one term shall be for one year, one term shall be for two years, one term shall be for three years, one term shall be for four years, one term shall be for five years, and one term shall be for six years. Members appointed and serving shall serve until their successor is named and shall be eligible for reappointment. The state fire marshal or his or her designee shall be a standing member of the board and shall have the power to vote. Board member Henderson also asked about recruiting new members, State Fire Marshal J. Tim Bean explained that applicants must submit their applications to the Governor's office. Asst State Fire Marshal Luetkemeyer stated the applicants must be sponsored by a Senator. Board member Keith Henderson asked if there was anything in the rules that would prevent two people from the same company from being on the board. Board member Ed Twehous requested for this to be looked into. The board makeup is one representative of a municipality or county who serves as a public works director or similar; one person who uses explosives for mining; one person who uses explosives for construction; one person who provides blast monitoring services; two persons engaged in the manufacture or distribution of explosives; and the state fire marshal or his or her designee.

Deputy Chief Scott Stoneberger discussed the financial report and the expenditures. At the start of the 2024 Fiscal year, there were a total of 79 companies registered with the division. However, 5 of these companies are no longer active due to cessation of operations or exemption status. Their registration certificates were officially canceled as of 12/31/2023. As a result, there are now 74 active companies remaining. Out of these active companies, 73 have already submitted their annual reports. The division is currently reaching out to the one remaining company that has not yet submitted its report. During the 2024 Fiscal year, \$243,375.63 was the beginning balance. \$62,574.33 was taken out of the account by the Office of Administration and placed in the General Revenue Fund. This is a sweep that is done periodically. This is the first time this has happened to this fund. The balance is currently at \$241,167.23. This fund supports two investigator/blaster salaries and operating expenses associated with the program, estimated at \$103,000 per fiscal year.

During fiscal year 2024, the Division has received 27 blasting complaints and conducted 10 audits. When conducting the audits, incomplete reporting has been the most consistent issue. Captain Hildebrand explained the investigator would send out a letter requesting the blast reports, explosives purchased, and a current list of blasters. The Missouri Division of Fire Safety provides forms for the blasting companies however some have omitted them. Educating the blasters on the use of these forms for more punctual records rather than taking punitive action has resulted in positive responses.

The Division uses the online program that was established in 2020 for Explosive User Annual Reports. Companies can go online to complete their annual reports and submit payments electronically. New companies can also register using this system. The Division is looking at updating the current reporting system. A new program for blasters to certify electronically has been discussed. Other programs with the Division are in the design phase that we would like to review. At this time, all documents, photographs, and payments must be submitted by mail.

Deputy Chief Scott Stoneberger brought up the discussion about updating the blasting exams. Board member Keith Henderson would like to remove questions regarding electric blasting caps. He also stated that the scaled distances formula is used in two different ways, the exam shows three. Keith would like to contact Missouri S & T about those questions. Board member Ted Martin asked about NFPA. Board member Keith Henderson explained that that would mainly be about storage. Not all blasters handle storage. State Fire Marshal J. Tim Bean asked if we had solicited other states about their test banks. Board member Keith Henderson said we should contact Kansas and Oklahoma. State Fire Marshal J. Tim Bean suggested contacting NASFM. Board member Ted Martin said Dr. Worsley helped with the questions years ago. Board member Ed Twehous would like to see questions on safe drilling distance for construction blast. Board Members Ted Martin and Keith Henderson suggested adding questions regarding the weather and lightning. Asst State Fire Marshal state NFPA 495 references lightning. Board Member Keith Henderson motioned to remove six questions from the test bank. Board member, Ed Twehous seconded the motion.

Board member Keith Henderson inquired about blaster training. Deputy Chief Stoneberger informed the board that the Division of Fire Safety has a list of approved courses available on our website. Henderson asked about the location of the exams. Deputy Stoneberger explained exams are held at the Missouri Division of Fire Safety Headquarters in Jefferson City. To register for an exam,

applicants must contact Pete Martin, in our Training Unit to schedule a date and time for their examination. Pete can be reached via email or by phone.

Board member Twehous thanked the Division of Fire Safety for their assistance in handling blasting complaints. Board member Twehous stated his company is starting to have more run-ins with city and county authorities from the state. These municipalities have been inconsistent with RSMo 319.342 paragraph 6 which states Except for any ordinance or order of any county with a charter form of government and with more than one million inhabitants, no provision of a municipal ordinance or county ordinance or order in effect on August 28, 2007, or which may be adopted at a future date by a city or county may preempt, amend, exceed, or conflict with the provisions of sections [319.300 to 319.342](#) nor any rule promulgated by the state fire marshal under section [319.327](#). Neither shall any existing or future municipal ordinance or county ordinance or order preempt, amend, exceed, or conflict with the provisions of any statute, regulation, or policy established by: (1) The United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives; (2) Chapter 40 of Title 18 of the United States Code, as amended; (3) The United States Department of Transportation; (4) The federal Mine Safety and Health Administration; or (5) The federal Occupational Safety and Health Administration. 7. Subsections 1, 2, and 3 of this section shall not apply to any blasting required by a construction contract with any agency of the state of Missouri, any federal agency, or any political subdivision. 8. Nothing in this section shall preempt the rights and remedies afforded by the general assembly or common law to persons damaged by blasting.

Deputy Chief Stoneberger according to RSMO 310.324 paragraph 3 municipalities or counties may have an ordinance or order that would require a permit to be obtained. Board member Twehous said they would contact the fire departments and obtain the permits when required. Board member Twehous state local authorities have changed the scale distance. He pointed out RSMo 310.342 paragraph 2 that states any person using explosives which will conduct blasting within the jurisdiction of a municipality shall notify the owner or occupant of any residence or business located within a scaled distance of fifty-five from the site of blasting prior to the start of blasting at any new location. Twehous said MoDOT demanded that his company send all records to them. MoDOT has now agreed to contact the Missouri Division of Fire Safety for records. State Fire Marshal Bean suggested educating the local fire departments about the blasting rules. Board Member Martin stated that would be helpful.

Next board meeting will be determined at a later time.

Motion to adjourn the meeting was made by Board Member Keith Henderson. Board member Ed Twehous seconded the motion. Motion carried without dissent. The meeting was adjourned.