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Explosives Regulations, 2012

Statutory authority

Explosives Act

Sponsoring department

Department of Natural Resources

REGULATORY IMPACT ANALYSIS STATEMENT

(This statement is not part of the Regulations.)

Executive summary

Issue: The *Explosives Regulations* are out of date and make it difficult for regulatees to determine their obligations in order to comply with the Regulations. Several areas of industrial safety and security must be enhanced to be in line with industry best practices such as quality management systems and personnel training, and certain gaps must be filled in order to ensure an appropriate level of safety and security for the industry, its workers, and the public at large.

Description: Modernization of the Regulations requires a complete rewrite of the legal text, and introduces a minimal number of new requirements. The *Explosives Act* and Regulations are outdated (Act was written before 1920). The current Act and Regulations are difficult to navigate and understand (i.e. archaic language, layout not conducive to easy interpretation). The modernized Regulations would better reflect modern industry practices and standards.

With the exception of regulatory requirements related to the implementation of outstanding obligations under the *Public Safety Act*, the modernization initiative does not introduce new requirements other than changes to reflect modern practices. The burden of the industry is reduced by removing irritants and duplications and ensuring that the regulatory framework is accessible and easier to understand. The most important changes being made are

- Enhanced management of operating procedures for processes and better staff training;
- Requirement of fire safety plans and, under certain circumstances, of decommissioning plans;
- Tighter control on the packaging of consumer fireworks (e.g. roman candles, fountains);
- Distribution of safety information to consumers;
- Clarification of requirements applicable to retail sales establishments (e.g. requirement of displays for sale for consumer fireworks);
- Clarification and strengthening of requirements applicable to the use of consumer fireworks; and
- New packaging standards to be met by sellers of industrial explosives (e.g. sellers must mark licence or authorization number on inner packaging).

As well, the security of explosives is to be strengthened by

- introducing a regime of export and in transit transportation permits and requiring importers and exporters to provide additional information;
- requiring a tracking and communication system in vehicles carrying large quantities of explosives;
- lowering magazine storage exemption limits, which will vary by type of explosive;
- requiring security plans detailing measures to be taken to prevent and react to security incidents;
- requiring a key control plan for licensed magazines; and
- requiring security screening of personnel who could have access to high hazard explosives types E (high explosives), I (initiation systems) and D (military and law enforcement explosives).

Cost-benefit statement: The approach to assessing costs and benefits of this proposal focused separately on the three parts of the proposed changes: modernization, improved public safety and enhanced security.

Aggregate costs/benefits for modernization

Modernization is essentially a rewrite of the current requirements, but also eliminates overlap and duplication. Seventeen specific items were flagged as most important as demonstrated in the cost-benefit analysis. ([see footnote 1](#))

While there may be some small additional costs in the form of stakeholder time to learn what is where in the new text, the obligations themselves have not changed significantly other than

to eliminate overlap and duplication. In short, modernizing the Regulations may entail cost reduction, but certainly no significant additional compliance costs. ([see footnote 2](#))

Summary table 1: Aggregate costs by stakeholder for improving public safety

Stakeholders	Costs: initial in 2011	Annual for 2012–2020	Total present value
Factory licence holders	\$1,229,000	\$157,000 every third year	\$1,531,000
Retailers	\$100,000	\$100,000	\$725,000
TOTAL	\$1,329,000	\$100,000 + \$157,000 every third year	\$2,256,000

The present value of all the costs of the safety measures is likely to be less than \$2.2 million. Benefits could well be 0.13 fewer deaths and 2 fewer injuries a year. The Explosives Safety and Security Branch (ESSB) compiles a list of accident and incidents involving explosives in Canada. This list shows that the total number of individuals injured or dead from explosives accidents or incidents went from 227 in the 1970s (with 28 deaths) to 54 in the 1990s (with 13 deaths) to 89 in the 2000s (with 6 deaths). While the values derived from the costs of illness and a standard value of a statistical life (VSL) ([see footnote 3](#)) may be somewhat abstract and difficult to relate to, these statistics suggest that the safety goal of the proposed Regulations is a reasonable risk-based approach that considers economic and life safety criteria together with the effectiveness of security and protective measures.

Summary table 2: Aggregate costs by stakeholders for enhancing security

Stakeholders	Costs: initial in 2011	Annual for 2012–2020	Total present value
Magazine licence applicants wishing to store Type E, I or D explosives	\$804,000	\$40,200	\$1,055,000
New sellers (new stakeholders)	\$120,000	\$20,000	\$245,000
Industry and workers	\$298,000	2012–2015: \$14,900 2016: \$238,400 2017–2020: \$29,800	\$577,000
TOTAL	\$1,222,000	2012–2016: \$75,100 2016: \$298,600 2017–2020: \$90,000	\$1,877,000

The present value of all the costs of the security measures is likely to be less than \$1.8 million. Security has become a much greater concern and the problem of “homegrown” security threats and criminals has been underscored in recent years. Gaps in security throughout the lifecycle of explosives can be lessened through a number of common sense and not particularly costly initiatives. By controlling security more tightly, a barrier is created which would demand a much higher level of sophistication and planning for criminals and terrorists to be successful.

Business and consumer impacts: Modernization of the Regulations should lower costs to businesses by eliminating overlap and duplication, harmonizing exemptions, eliminating unneeded permits and reducing the time and effort needed to train staff. Better compliance with the law is the expected result. ([see footnote 4](#))

Because the proposed amendments will better reflect today’s technology, industrial structure and regulatory practices, they will facilitate and encourage safer, more reliable and more cost-effective technology with lower risks for companies, workers, and the public at large.

Safety-related measures, such as the use of quality management system principles for operating procedures, along with staff training, will ensure that safety concerns are addressed systematically and kept front and centre. Similarly, changes with respect to the sale of fireworks should enhance public awareness of safe practices, thereby further lowering the risk of injury. The cost of these items is low and the benefits are estimated to exceed them by a

significant margin.

By controlling security more tightly, a barrier is created which would require a higher level of sophistication and planning for criminals and terrorists to be successful. The chance of a significant event is lowered and security is enhanced.

Domestic and international coordination and cooperation: South Australia, Australia, has used portions of the concepts from the proposed Canadian approach to regulating explosives. The United Kingdom has conducted a similar review of its explosives regulations.

Performance measurement and evaluation plan: The proposed Regulations will be measured and evaluated through the regular performance measurement framework of the ESSB. The ESSB continually monitors compliance rates with Regulations as well as death and injury rates in Canada. The impact of the changes in the Regulations will be assessed by tracking trends in death and injury rates and stakeholder compliance rates.

Issue

The context for the *Explosives Regulations* has evolved markedly over the past 50 years. Four drivers in particular stand out as having led to this proposal.

- The technologies, products and industry that the *Explosives Act* and the *Explosives Regulations* were designed to control have changed significantly. Industrial practices have changed to the point that the industry which the current Regulations were designed to govern effectively no longer exists.
- With respect to industry structure, change has been driven in part by industry globalization and rationalization. These have had major consequences, such as loss of experienced personnel and expertise from industry downsizing and the growing number of imported products.
- Similarly, technology has changed. The current Regulations were formulated when dynamite was the most significant explosive; this is old technology. Regulatory requirements for explosives are currently based on their positioning within an outdated classification scheme.
- Emergent security concerns have provided the opportunity to strengthen security and support Canada's commitment under the Public Security Technical Program (PSTP) for long-term security. ([see footnote 5](#))

As a result, the current Regulations are often either out of date or incomplete. For example, whereas in the past dynamite cartridges were manufactured at a fixed location and then shipped for distribution to users, nowadays insensitive emulsion explosives are manufactured in bulk, transported and sensitized at the point of use only prior to or while loading into boreholes, thus rendering the whole operation much safer. Authorizing such practices under the *Explosives Act* has required additional guidance and support to allow for a modern interpretation of the Regulations. A literal, non-purposive interpretation of the current Regulations could seriously impede the industry's ability to operate with safer, more reliable and more cost-effective technology which would put the industry, its workers and the public at greater risk.

Generally, the Explosives Regulatory Division (ERD) and the industry have also coped with outdated regulations through innovative approaches such as providing extensive helpful information to stakeholders, use of guidelines and industry standards to help structure safety and security practices, imposing various conditions for licences and certifications, and enforcement and compliance regimes that are sensitive to the newer technologies.

The old-fashioned drafting, inadequate structure, and outdated references in the current Regulations have made it more difficult for industry stakeholders and their workers to thoroughly and quickly understand what they are required to do. In a 2003–04 study of stakeholders such as the Canadian Pyrotechnics Council and the Canadian Explosives Industry Association (CEAEC), more than half of those responding to surveys or participating in focus groups found it difficult to locate necessary information in the Regulations; then found it difficult to interpret the meaning.

The ERD has been in the process of modernizing its regulations for a number of years with the view to better reflect current industry conditions and to make them more accessible through the use of plain language. The industry has been very supportive of this exercise and has contributed time, effort and ideas to making the regulations better.

Additionally, while public safety has been addressed by current regulatory and industry practices, certain aspects can be clarified and strengthened. For instance, safety information is now available for distribution to consumers; its distribution can be required.

Security has become a much greater concern since September 11. It is now recognized that there are serious security issues from homegrown terrorists such as the "Toronto 18." The Government of Canada has already responded by modifying the Regulations in 2008 to better control chemicals used in the making of explosives (restricted components). In considering security throughout the lifecycle of explosives, a number of common sense, and not particularly costly, initiatives have been identified that will further enhance security.

Finally, the *Explosives Regulations* are out of date and make it difficult for regulatees to determine their obligations. Several areas of industrial safety and security can be enhanced in line with industry best practices, and certain gaps filled, in order to provide better protection for the industry, its workers, and the public at large.

Objectives

Overall goal: Ensuring a balanced approach to managing explosives safety and managing security risks

while minimizing impact on business and supporting innovation and competitiveness.

The *Explosives Regulations* are being revised with the following objectives:

- a regulatory program based on an integrated and evidence-based approach that manages safety and security risks across the range of explosives-related activities under departmental jurisdiction;
- a regulatory framework that is accessible, understandable, and responsive through inclusiveness, transparency and accountability;
- where possible, a regulatory program that promotes a fair and competitive market economy and minimizes the regulatory burden placed on industry; and
- a regulatory program that enables cooperation/harmonization with other departments, and is benchmarked against international best practices.

Description

The proposed Regulations are divided into 20 parts for ease of reference for stakeholders. The organization of information into parts that are addressed to particular classes of stakeholders is one of the major improvements to the Regulations. Currently, stakeholders have to scan the entire text of the Regulations to determine what requirements apply to their situation.

For the purpose of this Regulatory Impact Analysis Statement, the 20 parts have been organized into four categories to provide for a fuller understanding of the major improvements to the Regulations: Administrative changes, Writing current practices into regulations, Closing loopholes and Harmonization.

Administrative changes

Part 7 — Provisions of general application

This part sets out the general terms and conditions that apply to all licences, permits and certificates issued by the Minister of Natural Resources under the *Explosives Act*. It also sets out the procedures for making a change to or renewing any of these documents and sets out rules governing their suspension and cancellation. Suspending or cancelling a document is delegated to the Chief Inspector of Explosives. Persons affected by suspension or cancellation may ask the Minister to review the decision taken by the Chief Inspector. This part introduces new requirements for a decommissioning plan and incident reporting.

Part 19 — Fees

This part sets out the fees payable for the issuance of licences, permits and certificates and integrates the current fee schedule, which came into force on June 1, 2009, with the rest of the *Explosives Regulations*.

Part 20 — Restricted components

This part lists the components of explosives that are restricted (nine in total) and contains the rules previously set out in the *Restricted Components Regulations* respecting ammonium nitrate (which came into force in June 2008) and respecting the other eight substances (which came into force in March 2009). It describes the security requirements for these components and sets out the obligations for suppliers and for buyers who will use the components to manufacture products other than explosives.

Writing current practices into regulations

Part 1 — Preliminary matters

This part provides an overview of the revised *Explosives Regulations*. It also clarifies which explosives are under the control of the Minister of National Defence.

Part 2 — General requirements, prohibitions and safety precautions

This part provides for increased accountability for staff training.

Part 3 — Authorization and classification of explosives

This part

- sets out the information that must be provided when requesting authorization of an explosive for a use in Canada;
- describes the process to be followed to obtain the authorization;
- sets out the new types developed for the classification of explosives on which Parts 10 to 18 of the proposed Regulations are based;
- introduces a new classification based on the concept of potential effects, which refers to the behaviour of explosives in case of an accidental ignition and better addresses hazards that arise outside the transportation context; and
- incorporates the UN transport classification scheme.

Part 5 — Manufacturing explosives

This part addresses the manufacture of explosives. It describes

- the requirements that holders of division 1 factory licences and satellite site certificates must meet, including requirements respecting facilities, the posting of signs, packaging, ensuring the safety of workers and visitors, training, management and mobile process units;
- the requirements that holders of division 2 factory licences or manufacturing certificates must meet, including requirements respecting the workplace, packaging, ensuring the safety of persons,

- knowledge of the workplace and management of the workplace;
- rules of conduct applicable to workers and visitors at a factory or satellite site and to persons at a workshop;
- the requirements for manufacturing activities that do not require a factory licence or manufacturing certificate; and
- the requirements for a security plan to be filed as part of the application for a licence to manufacture high explosives, initiation systems, military explosives or law enforcement explosives and for the plan to be implemented for as long as the licence is valid.

Additionally, this part requires appropriate hazard assessments to be undertaken and operating procedures as well as security controls to be in place. New technologies have significantly modified manufacturing methods and increased the need to have more detailed procedures along with appropriate training of personnel. Every licence holder is subject to the requirement to establish and implement a security plan for high risk explosives.

Part 9 — Transporting explosives

Changes introduced by this part eliminate current overlap with the *Transportation of Dangerous Goods Regulations* and the Canada Motor Vehicle Safety Standards and remove some out-of-date sections from the current Regulations.

The proposed requirement for an explosives transport permit has not been included in the proposed Regulations. As a result, they cover only what the *Transportation of Dangerous Goods Regulations* do not. Additionally, the current 10-hour driving limit for explosives shipments has been removed, allowing explosives shipments to be treated like other dangerous goods.

Similarly, the changes respecting transportation introduced by this part remove aspects that are covered more thoroughly by the Canada Motor Vehicle Safety Standards. The transportation of certain low-hazard explosives, generally on sale to the public from retail outlets, in quantities below 12 kg in some cases and 150 kg in others, is subject to relatively lenient regulatory requirements.

For the transportation of explosives that are not eligible for more lenient treatment, new requirements have been added for vehicle tracking and two-way communication between driver and company in the interests of increasing the security of explosives during transport.

The proposed Regulations will be less restrictive and easier to comply with, particularly as they will now be coordinated with the *Transportation of Dangerous Goods Regulations*.

Part 14 — Small arms cartridges, propellant powder and percussion caps

This part authorizes the acquisition, storage and sale of small arms cartridges and the manufacture of small arms cartridges and black powder cartouches. Division 1 sets out rules for sellers and users of small arms cartridges. Division 2 sets out rules for sellers and users of propellant powder and percussion caps (also known as primer). It also sets out rules for the manufacture of small arms cartridges and black powder cartouches for personal use.

Changes to the current Regulations are being introduced to clarify the requirements for the storage for personal use of smokeless powder and black powder in private residences. Limits are imposed on the quantities of small arms cartridges and primer that may be stored by an unlicensed person and detached residences are distinguished from multiple-unit residences. The limits for storage in a detached private residence are changed from the current maximum of 10 kg to 20 kg of smokeless powder and 5 kg of black powder together, 25 kg of smokeless powder alone or 5 kg of black powder alone. The limits for storage in a multiple-unit residence are changed from the current maximum of 10 kg to 20 kg of smokeless powder in containers of 1 kg or less, or 5 kg in containers holding more than 1 kg and 1 kg of black powder in containers or 3 kg total in cartridges or cartouches less any in containers.

Parts 12 and 13 — Power device cartridges and special purpose explosives

These parts set out the requirements for selling, acquiring and storing power device cartridges, low-hazard special purpose explosives (essentially current 7.2.4) and high-hazard special purpose explosives (essentially current 7.2.5).

Currently, the *Explosives Regulations* set out rules for "safety cartridges." Under the proposed Regulations, this category will be split into "small arms cartridges" (covered in part 14) and "power device cartridges" (covered in part 12).

Part 15 — Model and high-power rocket motors

This part sets out the requirements for selling, acquiring, and storing model and high-power rocket motors, their reloading kits and their igniters. The use of these motors is not covered as this is regulated by Transport Canada.

Proposed changes to the current Regulations include requiring that safety information be provided to buyers of model rocket motors and increasing the total impulse limit for model rocket motors from 80 newton-seconds to 160 newton-seconds to harmonize with Transport Canada regulations and with the existing standards in the United States.

The proposed Regulations allow persons under 18 but at least 12 years old to acquire a model rocket motor that does not exceed 40 newton-seconds and is no higher than E class. The proposed Regulations also address reloadable rocket motors, a more recent technology that is not covered by the current Regulations.

The proposed Regulations also lower the maximum quantity of motors and igniters that may be stored without a licence.

Part 17 — Special effect pyrotechnics

This part sets out the requirements for selling, storing, acquiring, and using special effect pyrotechnics. It also sets out when a licence or a fireworks operator certificate is required to acquire, store or use pyrotechnics.

Changes to the current Regulations permit more flexibility in firing systems for pyrotechnics while achieving the same result — preventing accidental ignition. There is a decreased burden on stakeholders in the management of records for pyrotechnic events. Technicians from outside Canada are permitted to act as the pyrotechnician-in-charge. ([see footnote 6](#))

Part 18 — Display fireworks

This part sets out the requirements for selling, acquiring, storing and using display fireworks and fireworks accessories for use with display fireworks, which are fireworks designed for professional use (e.g. fireworks used in the Canada Day celebrations on Parliament Hill). This part also sets out when a licence or a fireworks operator certificate is required to acquire, store or use display fireworks.

Technicians from outside Canada are permitted to undertake the duties of a display assistant, but may not act as pyrotechnician-in-charge.

In addition to the fallout zone currently required, the proposed Regulations require the pyrotechnician-in-charge to establish a danger zone when the fireworks are first brought to a site. This requirement will enhance safety because at many shows the fallout zone is not established until after the fireworks are present at the site.

Part 10 — Military explosives and law enforcement explosives

This part deals with the selling, acquiring and storing of military explosives and law enforcement explosives (type D).

Part 6 — Magazine licences and storage in a licensed magazine

This part sets out how to apply for a magazine licence as well as the standards and the safety and security procedures for magazines. The proposed Regulations require a fire safety plan and key control plan to be in place before an application for a magazine licence is submitted and the applicant must include in the application a declaration that these plans have been prepared. Additionally, a security plan must be prepared for every magazine storing types E (blasting), I (initiating systems) or D (military and law enforcement) explosives and the elements in the plan must be implemented by the licence holder.

Closing loopholes

Part 4 — Importing and exporting explosives and transporting explosives in transit

This part addresses the importation, exportation and in transit transportation of explosives. It describes

- the information required when applying for an import, export or in transit permit;
- the requirements for holders of an import, export or in transit permit;
- the information a permit holder must provide to the Chief Inspector of Explosives after the explosives are imported, exported or transported in transit; and
- when explosives may be imported, exported or transported in transit without a permit.

The current Regulations only require a permit for importing explosives. An order will be made to bring section 9 of the *Explosives Act* (as amended by section 40 of the *Public Safety Act, 2002*) into force. It requires permits for export and transportation in transit.

Secure storage locations for in transit explosives in case of emergencies are required in the proposed Regulations.

Section 149 of the current Regulations covers the requirements for samples for analysis and scientific research, as well as those for field testing of new products, products specifically imported for fireworks competitions or other special purposes. The authorization requirements for these types of situations are covered in the proposed Regulations, in Part 3 (Authorization).

Part 16 — Consumer fireworks

This part sets out the requirements for selling, acquiring and storing consumer fireworks, which are fireworks that are designed for recreational use by members of the public. It also regulates their use. Changes to the current Regulations introduced by this part clarify the requirements relating to the packaging of consumer fireworks for sale.

Most of the other proposed changes reduce the administrative burden on sellers, purchasers, and users. However, sellers will be required to keep records of any sale of more than 150 kg of consumer fireworks; under the current Regulations, records of sale are not required unless the amount sold is more than 1 000 kg.

Part 8 — Screening

This part introduces a new requirement for security screening for people who have access to high hazard explosives. The objective of the regulatory changes is to limit access to high hazard explosives

(types E [high explosives], I [initiation systems] and D [military explosives and law enforcement explosives]).

Under the proposed Regulations, an applicant for a licence, or renewal of a licence, authorizing the storage of high hazard explosives who is an individual is required to submit the original of a criminal record check carried out within the previous year or proof of an equivalent document. The applicant must also submit a list naming the employees at the site who could have access to high risk explosives and who are therefore required to have an approval letter.

The licence holder must ensure that everyone at the site who is required to have an approval letter has obtained one. Personnel who seek an approval letter must submit proof of a criminal record check or an equivalent document.

If the criminal record check of an applicant for a licence or approval letter reveals that certain offences have been committed, the Minister will deny the request and notify the applicant. The applicant is entitled to submit additional information that may reverse the denial. If the additional information reveals that the criminal record check was erroneous, the Minister will issue the licence, licence renewal or approval letter. Otherwise, the Minister will confirm the denial in writing to the applicant.

Harmonization

Part 11 — Industrial explosives

This part deals with the selling, acquiring and storing of explosives used for industrial purposes. However, the storage requirements set out in this part apply only to holders of magazine licences issued by the federal Minister of Natural Resources of Canada, as the applicable provincial or territorial laws regulate the storage of explosives acquired under an authorization issued by a provincial or territorial authority.

The industrial explosives covered by this part are any of the following types of explosives, based on the new Canadian types introduced in Part 3:

- E.1 — blasting explosives;
- E.2 — perforating explosives (for example, explosives intended for use in oil and gas wells);
- E.3 — special-application explosives (for example, explosives used to form, cut, shape, weld or break and for avalanche control);
- I — initiation systems (for example, blasting accessories); and
- P.1 — black powder and PE 1 black powder substitutes when used in mining, quarrying, construction or avalanche control.

Proposed changes to the current Regulations include the following:

- a seller must mark the purchaser's packaging with the licence or the provincial or territorial authorization number. There is no exemption based on type of packaging (e.g. ammonium nitrate and fuel oil [ANFO] bag);
- the length of time that records must be kept is reduced to two years. The information that must be kept in the record has been simplified from current requirements;
- the holder of a provincial or territorial authorization to store industrial explosives at a mine site or a quarry who is a user is authorized to acquire such explosives;
- a purchaser must mark the licence or authorization number on inner packaging when the outer packaging is opened;
- packaging may be reused if it is in good condition (does not contain any explosive residue) and it did not previously contain any liquid-based explosive ingredients; packaging that is not in good condition may not be reused and must be destroyed so that it cannot be reused; and
- although most sites for impending use may be under provincial jurisdiction, a requirement for attending has been added to cover a potential situation not covered by provincial regulations.

Regulatory and non-regulatory options considered

Besides the status quo, no formal alternatives were considered for the overall regulations. The regulatory modernization is intended to reduce the gap that has grown between the Regulations and the reality of today's technology, industrial structure and regulatory practices. It is designed to both facilitate and encourage industry's ability to operate with safer, more reliable and more cost-effective technology and lower risks to companies, their workers, and the public at large.

In modifying the regulations, industry stakeholders have been involved from the beginning as ERD sought to find ways to better reflect in regulation the industry as it has evolved, modern industry best practices, modern regulatory practices, and the evolving technology.

Benefits and costs

The approach to assessing costs and benefits of this proposal focused separately on the three parts of the proposed changes: modernization, improved public safety and enhanced security.

For modernization, the focus was on demonstrating that there would not be any significant costs (and some reductions). A qualitative assessment of benefits of the initiative focused on test evidence regarding comprehension of the legal text. Earlier research into factors that promote compliance was used to determine whether the changes would enhance compliance with the law, and hence promote safety.

While it was believed that the public safety changes were low cost, the cost-benefit analysis (CBA) developed for each change estimated costs for the affected parties. Often based on proxies, these estimated costs were chosen to result in over-estimates of the costs. A qualitative assessment of the

benefits resulting from the changes was undertaken to determine the directions of the effects, with a check against a quantitative estimate of lowered incidence of injuries and deaths based on the methodology used in a CBA of the modernization of the explosives regulations in the United Kingdom.

For public security, again the CBA estimated the costs of each component, while undertaking a qualitative assessment of the benefits. In keeping with Government of Canada and United States government practice, no quantitative estimate of the benefits was undertaken.

Rationale

With the renewal of the user fees, the selected option strikes an appropriate balance between not placing an undue burden on industry and generating sufficient funds to address gaps in explosives safety and security.

The explosives user fees were renewed following consultations held in early 2008, which confirmed stakeholders understood that the current fee schedule was out of date and did not reflect the costs of doing business. The original proposal was modified based on stakeholder comments and the current proposal reflects a user fee model that all major industry associations can accommodate. The explanations for the costing of the increased fees satisfied stakeholders that the fees reflected the actual costs of providing services.

It is important to note that even with the increased user fees, ERD will still be recovering only 47% of its costs — the taxpayer will continue to fund an appropriate portion of ERD's activities that are related to protecting the safety of all Canadians.

Consultation

This modernization proposal was initiated in the 1990s and was developed with consultations with key partners and stakeholders. Given the long-term nature of this project, stakeholders are thoroughly aware of the proposed changes and they have been consulted on numerous occasions. Stakeholders support the proposed changes as they will modernize the explosives regulations, make compliance easier, and implement modern industrial practices into regulations. Other stakeholder groups will be consulted on specific sections of the revised *Explosives Regulations*. For example, the Canadian Fertilizer Institute was briefed on changes to the *Restricted Components Regulations*.

On regulatory modernization, updates were provided to the four major explosives stakeholder groups (Canadian Explosives Industry Association [CEAEC], Petroleum Services Association of Canada [PSAC], Canadian Association of Geophysical Contractors [CAGC], and Canadian Pyrotechnical Council [CPC]) and the one major stakeholder group (Canadian Fertilizer Institute [CFI]) related to the *Restricted Components Regulations*. These groups have been briefed regularly. Consultations were held over the fall of 2009 with continued support for the regulatory modernization project going forward.

On security screening, this issue only affects stakeholders concerned with high-risk explosives (namely, CEAEC, PSAC and CAGC). Concerned associations were briefed most recently in October 2009. No issues were raised.

Ongoing informal discussions are held with the heads of the four major stakeholder organizations:

- Canadian Explosives Industry Association (CEAEC)
- Petroleum Services Association of Canada (PSAC)
- Canadian Pyrotechnic Council (CPC)
- Canadian Association of Geophysical Contractors (CAGC)

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ANNEX 1

Summary Accounting Statement ([see footnote 7](#))

Summary statement of costs and benefits

	2011	2012	2020	Present Value (see footnote 8) Annualized	Total Present Value
A. Quantified impacts (in thousands of dollars in 2010 prices) (see footnote 9)					

Costs	Explosives: Factory licence holders	≤ 1,229	Varies	Varies	≤ 211	≤ 1,531
	Fireworks: All retailers	≤ 100	≤ 100	≤ 100	≤ 100	≤ 725
	Sub-total safety				≤ 311	≤ 2,256
	Explosives: Magazine licence holders	≤ 804	≤ 40	≤ 40	≤ 146	≤ 1,055
	Restricted components: Product sellers	≤ 120	≤ 20	≤ 20	≤ 34	≤ 245
	All companies handling high explosives	≤ 298	≤ 15	≤ 30	≤ 80	≤ 577
	Government of Canada	≤ 150	≤ 150	≤ 150	≤ 150	≤ 1,087
	Sub-total security				≤ 409	≤ 2,964
	Total costs				≤ 720	≤ 5,220
Benefits	Workers and the public (safety)	≥ 452	≥ 452	≥ 452	≥ 452	≥ 3,276
	Total benefits				≥ 452	≥ 3,276
Net benefits	Safety Security				≥ 141	≥ 1,020 N.A.
B. Non-monetized quantified impacts						
Injuries averted	Workers	1.6	1.6	1.6		
Injuries averted	Public	13.9	13.9	13.9		
Deaths averted	Workers	0.075	0.075	0.075		
C. Qualitative impacts						
<ul style="list-style-type: none"> • Modernization of the Regulations should lower costs to businesses by <ul style="list-style-type: none"> – Eliminating overlap and duplication with other regulations and laws; – Harmonizing exemptions; – Eliminating unneeded permits; and – Reducing time and effort to train staff and ensure compliance. • Modernization will ensure the Regulations reflect today's technology, industrial structure and regulatory practices, thereby facilitating and encouraging safer, more reliable and more cost-effective technology with lower risks to companies, workers, and the public at large. • Modernization should lead to better compliance with the law. • New regulatory measures such as use of quality management system principles for operating procedures, along with staff training, will ensure safety concerns are addressed systematically and kept front and centre. • Similarly, changes with respect to the sale of fireworks should enhance public awareness 						

of safe practices, thereby further lowering risks.

- By controlling security of explosives more tightly, a barrier is created which would demand a much higher level of sophistication and planning for criminals and terrorists to be successful at stealing and then using them. The chance of a significant event is lowered.

PROPOSED REGULATORY TEXT

Notice is hereby given that the Governor in Council, pursuant to section 5 ([see footnote a](#)) of the *Explosives Act* ([see footnote b](#)), proposes to make the annexed *Explosives Regulations, 2012*.

Interested persons may make representations concerning the proposed Regulations within 75 days after the date of publication of this notice. All such representations must cite the *Canada Gazette*, Part I, and the date of publication of this notice, and be addressed to Christopher G. Watson, Chief Inspector of Explosives, Explosives Regulatory Division, Natural Resources Canada, 1431 Merivale Road, Ottawa, Ontario, K1A 0G1, tel.: 613-948-5170, fax: 613-948-5195, email: canmet-erd@nrcan.gc.ca.

Ottawa, March 1, 2012

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EXPLOSIVES REGULATIONS, 2012

PART 1

INTRODUCTION

Overview

1. This Part sets out the scheme and application of these Regulations and exempts some explosives from provisions of the *Explosives Act*. It also defines certain terms that are used in the Regulations, including “explosives”. Finally, it explains the function of the notes and asterisks that are used in the Regulations.

Note: Section 29 of the *Explosives Act* states that “Nothing in the Act relieves any person . . . of the obligation to comply with the requirements of any Act of Parliament relating to explosives or components of explosives or the requirements of any licence law, or other law or by-law of any province or municipality, lawfully enacted in relation to explosives, especially requirements in relation to the acquisition, possession, storage, handling, sale, transportation or delivery of explosives or components of explosives. . . .”

Notes

2. The notes that appear beneath some provisions do not form part of these Regulations but are included for convenience only.

Asterisks

3. When a term that is defined in section 6 is used in these Regulations, an asterisk appears in front of the term the first time that it is used in a section.

Scheme of the Regulations

4. (1) These Regulations are divided into 20 Parts. Some Parts apply to all ([see footnote 1*](#)) explosives and some apply only to specific types of explosives. The final Part applies to restricted components.

Part 2

(2) Part 2 sets out the general requirements, prohibitions and safety precautions that apply to every person who is carrying out an ([see footnote 2*](#)) activity involving an explosive or is in the vicinity of an explosive.

Part 3

(3) Part 3 indicates how to obtain an authorization of an explosive, how an authorized explosive is classified, how to obtain permission to change an authorized explosive, when an authorization may be cancelled and when an authorized explosive must be recalled.

Part 4

(4) Part 4 indicates how to obtain a permit to import or export explosives or to transport them in transit and sets out the requirements for carrying out those activities.

Part 5

(5) Part 5 indicates how to obtain a factory licence or manufacturing certificate and sets out the circumstances in which explosives may be ([see footnote 3*](#)) manufactured without a licence or certificate. It also sets out the requirements for manufacturing explosives.

Part 6

(6) Part 6 indicates how to obtain a magazine licence and sets out the requirements for storing

explosives in a licensed magazine.

Part 7

(7) Part 7 sets out the terms and conditions that apply to all holders of licences, permits and certificates, indicates how to obtain an amendment or renewal and sets out the circumstances in which a licence, permit or certificate may be suspended or cancelled.

Part 8

(8) Part 8 sets out the screening and supervision requirements that apply to people who have, or could have, access to high risk explosives.

Part 9

(9) Part 9 sets out the requirements for transporting explosives, including transporting them in transit.

Parts 10 -15

(10) Parts 10 to 15 set out the requirements for the acquisition, storage and sale of the following types of explosives:

- (a) military explosives and law enforcement explosives – Part 10;
- (b) industrial explosives – Part 11;
- (c) power device cartridges – Part 12;
- (d) special purpose explosives – Part 13;
- (e) small arms cartridges, propellant powder and percussion caps – Part 14; and
- (f) model and high power rocket motors – Part 15.

Part 14 also authorizes, and sets out requirements for, the manufacture of small arms cartridges and black powder cartouches.

Parts 16–18

(11) Parts 16 to 18 set out the requirements for the acquisition, storage, sale and use of the following types of fireworks:

- (a) consumer fireworks – Part 16;
- (b) [\(see footnote 4*\)](#) special effect pyrotechnics – Part 17; and
- (c) display fireworks, including firecrackers – Part 18.

Parts 17 and 18 also indicate how to obtain a fireworks operator certificate.

Part 19

(12) Part 19 sets out the fees to be paid for obtaining an authorization, permit, licence or certificate.

Part 20

(13) Part 20 restricts the sale and acquisition of certain components of explosives and sets out requirements for their sale and storage.

Application of Regulations

5. (1) These Regulations apply to all explosives except the following, to which only Part 5 applies:.

- (a) safety and strike-anywhere matches;
- (b) life-saving devices (for example, signals, flares and parachute release devices) that are being carried in an aircraft, train, vessel or vehicle as equipment that is necessary for its safe operation or for the safety of its occupants;
- (c) automotive explosives (for example, pyrotechnic seat belt pretensioners and modules containing pyrotechnic inflators), whether or not in their original packaging, that the competent authority of their country of origin has classified as Class 9 under the *UN Model Regulations on the Transport of Dangerous Goods*, published by the United Nations;
- (d) explosives diluted to less than 1% by weight, including diluted explosives used as reagents (for example, 1H-tetrazole), training kits for sniffer dogs and kits to test the functioning of machines that detect trace levels of explosives; and
- (e) Christmas crackers containing less than 2 mg of [\(see footnote 5*\)](#) explosive substance.

Exemption from *Explosives Act*

(2) Paragraphs 6(b) to (d) and subsections 9(2) and (3) of the *Explosives Act* do not apply to the explosives set out in subsection (1).

Exemption from Act

(3) Paragraph 6(e) and section 20 of the *Explosives Act* do not apply to the explosives set out in paragraphs (1)(a), (b), (d) and (e).

Exemption from Act

(4) Section 21 of the *Explosives Act* applies to the explosives set out in subsection (1) only in respect of the activities referred to in paragraph 6(a) of that Act, and to the explosives set out in paragraph 1(c) only in respect of the activities referred to in paragraph 6(e) of that Act.

Explosives under control of allied armed forces

(5) Explosives that are under the control of any armed forces that are cooperating with the Canadian Forces are deemed to be under the direction or control of the Minister of National Defence.

Definition of “explosive”

6. (1) For the purposes of section 2 of the *Explosives Act* and these Regulations, “explosive” includes

(a) an explosive substance or ([see footnote 6*](#)) explosive article that is not manufactured or used to produce an explosion, detonation or pyrotechnic effect but is included in Class 1 of Schedule 1 to the *Transportation of Dangerous Goods Regulations*;

(b) any substance numbered UN 1442, AMMONIUM PERCHLORATE as set out in columns 1 and 2 of Schedule 1 to the *Transportation of Dangerous Goods Regulations*; and

(c) a multi-ingredient kit that is used to manufacture an explosive.

Note: The term “explosive” is defined in section 2 of the *Explosives Act* as “any thing that is made, manufactured or used to produce an explosion or a detonation or pyrotechnic effect, and includes any thing prescribed to be an explosive by the regulations, but does not include gases, organic peroxides or any thing prescribed not to be an explosive by the regulations”.

Definition of “military device”

(2) For the purposes of section 2 of the *Explosives Act*, “military device” means a shell, bomb, projectile, mine, missile, rocket, shaped charge, grenade, perforator and any other explosive article that is manufactured exclusively for military or law enforcement purposes.

Definitions

(3) The following definitions apply in these Regulations.

“activity involving an explosive”

« *activité visant un explosif* »

“activity involving an explosive” means acquiring, possessing, selling, offering for sale, storing, manufacturing, importing, transporting — other than transporting in transit — or delivering an explosive as well as using a firework.

“attended”

« *surveillé* »

“attended” means to be constantly monitored by a person and includes monitoring by a person using electronic means unless these Regulations provide otherwise.

“compatible”

« *compatible* »

“compatible” means, in relation to a material, that the material

(a) will not react chemically with an explosive or raw material so as to affect the functioning of the explosive or raw material or to increase the likelihood of an ignition of the explosive or raw material; and

(b) will not be degraded by an explosive or raw material so as to affect its function or increase the likelihood of an ignition of the explosive or raw material.

“decontaminate”

« *décontamination* »

“decontaminate” means to completely remove, clean or purge an explosive substance from a building, room, area, vehicle, equipment or container.

“explosive article”

« *objet explosif* »

“explosive article” means an article that contains one or more explosive substances.

“explosive substance”
« *matière explosive* »

“explosive substance” means a solid or liquid substance — or a mixture of solid and liquid substances — that is capable, by chemical reaction, of producing a gas at a temperature, pressure and speed that is capable of causing damage to surrounding structures or infrastructure. It includes a substance — or a mixture of substances — that is designed to produce an effect of heat, light, sound, gas or smoke, or a combination of such effects, by means of a non-detonative self-sustaining exothermic chemical reaction, even if the substance or mixture does not produce a gas.

“industrial explosive”
« *explosif industriel* »

“industrial explosive” has the same meaning as in section 213.

“local authority”
« *autorité locale* »

“local authority” means, in relation to special effect pyrotechnics or display fireworks, the municipal, provincial or territorial organization or office that has authority to authorize their use in a locality.

“manufacturing”
« *fabriquer* »

“manufacturing” has the same meaning as in section 53.

“pyrotechnic event”
« *activité pyrotechnique* »

“pyrotechnic event” has the same meaning as in section 362.

“small arms cartridge”
« *cartouche pour armes de petit calibre* »

“small arms cartridge” has the same meaning as in subsection 268(1).

“special effect pyrotechnics”
« *pièce pyrotechnique à effets spéciaux* »

“special effect pyrotechnics” has the same meaning as in section 362.

“storage unit”
« *unité de stockage* »

“storage unit” means a building, structure, place or container in which explosives are stored and that is not licensed. However, it does not include a dwelling or any structure, place or container in a dwelling.

“vendor magazine licence”
« *licence de poudrière (vendeur)* »

“vendor magazine licence” has the same meaning as in section 144.

“vulnerable place”
« *lieu vulnérable* »

“vulnerable place” refers to

- (a) any building in which people live, work or assemble;
- (b) public roads, railways and other transportation infrastructure;
- (c) pipelines and energy transmission lines; and
- (d) any place where a substance that increases the likelihood of a fire or explosion is likely to be stored.

Exception

- (4) The definition of “manufacturing” in subsection (3) does not apply in Part 20.

Inspectors’ duties

7. Nothing in these Regulations has the effect of preventing an inspector from carrying out their duties under the *Explosives Act*.

Electronic notice

8. Any document, other than a document referred to in subsection 183(3), 173(3) or (4) or 499(1) or section 427, and any information that is required by these Regulations to be in writing, may be delivered in hard copy or by electronic means.

PART 2

GENERAL REQUIREMENTS, PROHIBITIONS AND SAFETY PRECAUTIONS

Overview

9. This Part sets out requirements, prohibitions and safety precautions that apply to every person who is carrying out an activity involving an explosive or who is in the vicinity of explosives.

REQUIREMENTS

Age restriction

10. A person must be at least 18 years old to carry out an activity involving an explosive. However, this requirement does not apply to a person who acquires ([see footnote 7*](#)) small arms cartridges for their own personal use. It also does not apply when these Regulations provide for an exception.

Requirement that explosives be authorized

11. A person may carry out an activity involving an explosive only if the explosive is authorized under Part 3.

PROHIBITIONS

Prohibited explosives

12. The following explosives are, in the opinion of the Minister of Natural Resources, intrinsically unsafe and must not be acquired, possessed, used or sold:

- (a) trick fireworks (for example, cigarette loads, dancing crackers and exploding golf balls); and
- (b) explosives containing chemicals that are not ([see footnote 8*](#)) compatible with one another.

Sale or transfer

13. A person must not sell or otherwise transfer an explosive to another person if they have reasonable grounds to suspect that

- (a) the other person is not authorized by the *Explosives Act* or these Regulations to acquire the explosive;
- (b) the explosive will be used for a criminal purpose; or
- (c) the other person is under the influence of alcohol or another performance-diminishing substance.

Acquisition of restricted explosive

14. A person must not acquire an explosive that the Chief Inspector of Explosives has authorized with restrictions unless

- (a) if the authorization is restricted to specified people or bodies or classes of people or bodies, they are a person or body or member of a class of people or bodies specified in the authorization;
- (b) if the authorization is restricted to specified purposes, they intend to use the explosive for a purpose specified in the authorization; or
- (c) if the authorization is restricted to specified people or bodies or classes of people or bodies and to specified purposes, they are a person or body or member of a class of people or bodies specified in the authorization and intend to use the explosive for a purpose specified in the authorization.

Performance-diminishing substance

15. A person must not carry out an activity involving an explosive if they are under the influence of alcohol or another performance-diminishing substance. A person who has taken a prescription drug may carry out such an activity if they have medical proof that they need the drug and that it will not impede their ability to safely carry out the activity.

Smoking

16. A person must not smoke while they are carrying out an activity involving an explosive or if they are within 8 m of an explosive.

Alteration of markings

17. A person must not alter, deface or obscure any printing or label on an explosive or its packaging unless they are ordered to do so by an inspector to correct an error.

False information

18. A person must not include in a document required by these Regulations any information that is false or misleading. A person must not submit a document that, by reason of non-disclosure of facts, is false or misleading.

SAFETY PRECAUTIONS

Knowledge of activity

19. A person who is carrying out an activity involving an explosive must ensure that they, and any person under their supervision, have knowledge of the activity being carried out and of the measures that must be taken to minimize any likelihood of harm to people and property that could result from the activity, including measures to

- (a) prevent an accidental ignition;
- (b) limit the spread of any fire or the extent of any explosion; and
- (c) protect people from the effects of any fire or explosion.

Precautionary measures

20. A person who is carrying out an activity involving an explosive must take measures that minimize the likelihood of harm to people or property that could result from the activity, including measures to

- (a) prevent an accidental ignition;
- (b) limit the spread of any fire or the extent of any explosion; and
- (c) protect people from the effects of any fire or explosion.

Limiting access to explosives

21. A person who is in control of an explosive must ensure that only people authorized by them or by law have access to the explosive.

Use of fireworks

22. A person may use fireworks only for the purpose for which they were designed.

PART 3

AUTHORIZATION AND CLASSIFICATION OF EXPLOSIVES

Overview

23. This Part sets out activities involving an explosive that may be carried out even if the explosive is not authorized. It also sets out the procedure for obtaining authorization of an explosive and when permission is required to change an explosive that has been authorized. It deals as well with the classification and reclassification of explosives, their recall and the cancellation of an authorization.

Chief Inspector's delegate

24. The duties and functions of the Chief Inspector of Explosives that are set out in sections 32 to 40 may be performed by an inspector designated by the Chief Inspector.

AUTHORIZATION NOT REQUIRED

Exemption from authorization

25. Despite section 11, the following activities involving an explosive may be carried out even though the explosives are not authorized:

- (a) the manufacture of up to 1 kg of explosives to be used in conducting an experiment, demonstration, test or analysis at a school, college, university or other learning institution;
- (b) the manufacture of up to 5 kg of explosives to be used in conducting an experiment, demonstration, test or analysis by a government or law enforcement agency;
- (c) the manufacture of up to 5 kg of explosives to be used in conducting an experiment, test or analysis at a private or commercial laboratory;
- (d) the manufacture of black powder charges for ceremonial use;
- (e) the manufacture of small arms cartridges or black powder cartouches for personal use;
- (f) the assembly and use of special purpose pyrotechnics, as defined in section 362;
- (g) the sending of a sample of an explosive to the Chief Inspector of Explosives for authorization testing at his or her request;

- (h) the importation of an explosive, if the conditions set out in subsection 45(2) are met;
- (i) the exportation of an explosive, if the conditions set out in subsection 45(2) are met; and
- (j) the transportation in transit of an explosive.

APPLICATION FOR AUTHORIZATION

Period of authorization

26. (1) An explosive may be authorized for an indefinite period or for a specified period.

Indefinite period

(2) An authorization for an indefinite period is issued if the explosive is intended to be used in ongoing or recurring activities. The authorization may be issued with restrictions.

Specified period

(3) An authorization for a specified period is issued if the explosive is intended to be used for a specific purpose within a specified period (for example, a chemical analysis, a product trial, scientific research or a tour or international competition involving fireworks).

Applicant

27. The following people may apply to have an explosive authorized:

- (a) a person who proposes to manufacture the explosive;
- (b) a foreign manufacturer of the explosive; or
- (c) a person who has permission to apply from a manufacturer of the explosive.

Application for indefinite period

28. An applicant for an authorization for an indefinite period must complete, sign and send to the Chief Inspector of Explosives the application form provided by the Department of Natural Resources. The application must include the following information:

- (a) the name, address, telephone number, fax number and email address of the applicant and of the manufacturer if the applicant is not the manufacturer;
- (b) a short description of the explosive and its properties, as well as its trade name, if any;
- (c) a description of the circumstances in which it will be used;
- (d) for an explosive article, a technical drawing of the article, prepared to scale, that sets out its dimensions, its components and the materials of its construction;
- (e) the composition of the explosive and the percent tolerance or range of each of its ingredients;
- (f) the composition of any substitute explosive and the percent tolerance or range of each of its ingredients;
- (g) the results of any tests conducted by or on behalf of a foreign state that has authorized the explosive or a similar explosive, or the classification of the explosive by a foreign state;
- (h) the anticipated classification of the explosive under section 36;
- (i) in the case of an explosive to be manufactured in Canada for the first time, a description of the manufacturing operations that will be used;
- (j) for an explosive article, a description of its performance characteristics, the way in which it functions and the instructions for its use;
- (k) a description of any packaging or container in which the explosive will be handled, used, stored or displayed for sale;
- (l) a description of the packaging or container in which the explosive will be transported and stored, and the standards to which the packaging or container must conform under the *Transportation of Dangerous Goods Act, 1992*;
- (m) the information that will be printed on the explosive and its packaging;
- (n) the safety instructions, in both English and French, that will accompany the explosive,

including procedures for preventing accidents when handling, storing, using or destroying the explosive and the procedures to follow if the explosive is lost or stolen; and

(o) the shelf life of the explosive under normal storage conditions.

Application for specified period

29. An applicant for an authorization for a specified period, if the explosive is for use other than at a tour or international competition, must complete, sign and send to the Chief Inspector of Explosives the application form provided by the Department of Natural Resources. The application must include the following information:

(a) the name, address, telephone number, fax number and email address of the applicant and of the manufacturer if the applicant is not the manufacturer;

(b) the period for which the authorization is requested;

(c) a short description of the explosive and its properties, as well as its trade name, if any;

(d) a description of the circumstances in which it will be used;

(e) the quantity of the explosive that will be used during the period;

(f) every location where it will be used;

(g) in the case of a product trial, the location where the explosive will be manufactured;

(h) for an explosive article, a technical drawing of the article prepared to scale that includes its dimensions, its components and the materials of its construction;

(i) the composition of the explosive and the percent tolerance or range of each of its ingredients;

(j) the composition of any substitute explosive and the percent tolerance or range of each of its ingredients;

(k) for an explosive article, a description of its performance characteristics, the way in which it functions and instructions for its use;

(l) a description of any packaging or container in which the explosive will be handled, used or displayed for sale;

(m) a description of the packaging or container in which the explosive will be transported and stored, and the standards to which the packaging or container must conform under the *Transportation of Dangerous Goods Act, 1992*;

(n) the safety instructions, in both English and French, that will accompany the explosive, including procedures for preventing accidents when handling, storing, using or destroying the explosive and the procedures to follow if the explosive is lost or stolen;

(o) the delivery system, if the explosive is to be transported in bulk; and

(p) the method to be used to destroy any of the explosive that is not used before the authorization expires.

Application for specified period — tour or competition

30. An applicant for an authorization for a specified period, if the explosive is to be used at a tour or international competition, must complete, sign and send to the Chief Inspector of Explosives the application form provided by the Department of Natural Resources. The application must include the following information:

(a) the name, address, telephone number, fax number and email address of the applicant and of the manufacturer if the applicant is not the manufacturer;

(b) a short description of the explosive and its properties, as well as its trade name;

(c) the transport classification issued by the country of origin;

(d) the places and dates of the tour or international competition at which the explosive will be used;

(e) the controls that will be put in place to ensure that the explosive is used only for the tour or international competition for which it is authorized;

(f) the precautions that will be taken to minimize the likelihood of harm to people and property;

and

(g) the method to be used to destroy any of the explosive that is not used.

Fees

31. The applicant for an authorization must pay the applicable fees set out in Part 19.

AUTHORIZATION

Authorization for indefinite period

32. (1) The Chief Inspector of Explosives must authorize the use of an explosive for an indefinite period if the Chief Inspector determines, on the basis of the results of one or more of the following tests, that the explosive can be safely manufactured, handled, stored, transported, used and destroyed:

- (a) a test listed in the table to this Part that is conducted on the explosive;
- (b) a test listed in the table to this Part that is conducted on a similar explosive; or
- (c) a test that was conducted on this or a similar explosive by or on behalf of a foreign state that has authorized the explosive or similar explosive and that is equivalent to a test listed in the table to this Part.

Authorization with restrictions

(2) The authorization must be given with restrictions if the Chief Inspector determines, based on the type, hazard classification, UN number and the circumstances in which the explosive will be used, that it can safely be used only by a specific person, body or class of people or bodies, or for a specific purpose.

Authorization for specified period

33. The Chief Inspector of Explosives must authorize an explosive for a specified period if the Chief Inspector determines, on the basis of the information in the application and the results of any sample testing, that the explosive can be safely manufactured, handled, stored, transported, used and destroyed.

Sample required

34. (1) If a sample of an explosive is required for a test listed in the table to this Part, the Chief Inspector of Explosives must notify the applicant, specify the quantity of the explosive required and indicate the address to which the sample may be sent.

Sending sample

(2) A person must not send a sample of an explosive for testing unless they have been requested to do so by the Chief Inspector.

Notice

35. (1) The Chief Inspector of Explosives must give the applicant written notice of whether the explosive has been authorized.

Reasons

(2) If the explosive has not been authorized, the notice must include the reasons for the refusal to authorize.

Classification and restrictions

(3) If the explosive has been authorized, the notice must include the following information:

- (a) the classification of the explosive;
- (b) in the case of an authorization for an indefinite period, any restrictions respecting the people or bodies or classes of people or bodies that may use the explosive and any restrictions respecting the purposes for which it may be used;
- (c) in the case of an authorization for a specified period, the period for which the explosive is authorized, the quantity authorized, the place of manufacture and the place of use; and
- (d) the date on which the explosive was authorized.

CLASSIFICATION OF EXPLOSIVES

Classification of authorized explosives

36. (1) The Chief Inspector of Explosives must classify each authorized explosive by type, hazard category and UN number in accordance with this section.

Type

(2) Each authorized explosive is classified according to its intended use as one of the following types:

- (a) E — high explosives:
 - (i) E.1 — blasting explosives,
 - (ii) E.2 — perforating explosives,
 - (iii) E.3 — special-application explosives;
- (b) I — initiation systems;
- (c) P — propellant powder:
 - (i) P.1 — black powder and hazard category PE 1 black powder substitutes,
 - (ii) P.2 — smokeless powder and hazard category PE 3 black powder substitutes;
- (d) C — cartridges:
 - (i) C.1 — small arms cartridges,
 - (ii) C.2 — power device cartridges,
 - (iii) C.3 — percussion caps;
- (e) D — military explosives and law enforcement explosives;
- (f) F — fireworks:
 - (i) F.1 — consumer fireworks,
 - (ii) F.2 — display fireworks,
 - (iii) F.3 — special effect pyrotechnics,
 - (iv) F.4 — fireworks accessories;
- (g) R — rocket motors:
 - (i) R.1 — model rocket motors,
 - (ii) R.2 — high-power rocket motors,
 - (iii) R.3 — rocket motor accessories; or
- (h) S — special purpose explosives:
 - (i) S.1 — low-hazard special purpose explosives,
 - (ii) S.2 — high-hazard special purpose explosives.

Hazard category

(3) Each authorized explosive is also classified for the purposes of manufacturing and storage into one or more of the following potential effects (PE) categories, if applicable. The classification is made according to hazard, determined on the basis of manufacturing operations, the quantity of explosive and how the explosive will be packaged:

- (a) PE 1 — mass explosion hazard;
- (b) PE 2 — serious projection hazard but not a mass explosion hazard;
- (c) PE 3 — fire hazard and either a minor blast or minor projection hazard, or both, but not a mass explosion hazard; or
- (d) PE 4 — fire hazard or slight explosion hazard, or both, with only local effect.

UN number

(4) Each authorized explosive is assigned a UN number as set out in column 1 of Schedule 1 to the *Transportation of Dangerous Goods Regulations* on the basis of its type, hazard category and the circumstances in which it will be used.

AUTHORIZED EXPLOSIVES

Changes to authorized explosive

37. (1) A person who has obtained the authorization of an explosive must obtain the written permission of the Chief Inspector of Explosives before changing the explosive in a way that would render any of the following information inaccurate:

(a) in the case of an authorization for an indefinite period, any information required under paragraphs 28(d) to (f) and (l) to (n); and

(b) in the case of an authorization for a specified period, any information required under paragraphs 29(h) to (j), (m) and (n).

Permission given

(2) The Chief Inspector of Explosives must give permission if the proposed change would not affect the performance or classification of the explosive. The Chief Inspector must notify the holder in writing when permission is given.

Permission refused

(3) If permission is refused, the Chief Inspector must notify the holder in writing that permission is refused and that a new application for authorization is required.

Reclassification

38. (1) The Chief Inspector of Explosives must reclassify an authorized explosive if periodic testing or new information reveals that its classification is no longer appropriate.

Written notice

(2) The Chief Inspector must give the person who obtained the authorization written notice of the explosive's new classification.

Cancellation of authorization

39. The Chief Inspector of Explosives must cancel the authorization of an explosive in any of the following circumstances:

(a) the person who obtained the authorization has not paid the applicable fee within 30 days after the date of an invoice from the Department of Natural Resources;

(b) periodic testing or new information reveals that the explosive can no longer be safely manufactured, handled, stored, transported, used or destroyed;

(c) the Chief Inspector is unable to determine whether the explosive can still be safely manufactured, handled, stored, transported, used or destroyed;

(d) the person who obtained the authorization requests the cancellation; or

(e) the manufacturer is no longer in business and the Chief Inspector has reasonable grounds to believe that the explosive is no longer in any person's possession.

Recall

40. (1) If the authorization of an explosive is cancelled because the explosive is no longer safe when manufactured, handled, stored, transported, used or destroyed in the normal way, the Chief Inspector of Explosives must, by written notice, require any manufacturer, any importer and any seller of the explosive to recall any of the explosive that they have manufactured, imported or sold.

Bad batch or lot

(2) If a batch or lot of explosives cannot be safely handled, stored, transported, used or destroyed because of a manufacturing defect, the Chief Inspector of Explosives must, by written notice, require the manufacturer or importer and any seller of the batch or lot to recall it.

Duties upon recall

(3) A person who receives a notice to recall an explosive must immediately recall the explosive and either make it safe or destroy it in a manner that will not increase the likelihood of an accidental ignition during or after the destruction.

LIST OF AUTHORIZED EXPLOSIVES

Contents of list

41. (1) The Minister of Natural Resources must keep an up-to-date list of all explosives that are authorized for an indefinite period. The list must set out the following information for each explosive:

(a) the name of the person who obtained the authorization;

(b) the trade name and classification of the explosive; and

(c) any restrictions imposed by the Chief Inspector of Explosives.

Exception

(2) However, the Minister is not required to include on the list an explosive that is classified as a military explosive or law enforcement explosive.

Removal from list

42. The Minister of Natural Resources must remove from the list of authorized explosives any explosive for which the authorization is cancelled.

TABLE

TESTS FOR AUTHORIZING EXPLOSIVES

1. Tests for physical properties — including consistency, reaction rate, rate of moisture-absorption, tendency for separation, exudation, behaviour at both high and low temperatures, density and specific gravity
2. Tests for chemical composition — including the determination of the percentage of each ingredient in the explosive
3. Tests for stability — including the determination of the stability of the explosive by subjecting it to varying environmental conditions, such as high temperatures, that might produce spontaneous ignition of the explosive or a variation of its sensitivity
4. Tests for ignition behaviour
5. Tests to determine the potential for mass explosion in a fire
6. Tests to determine whether ignition of an explosive article might ignite other explosive articles when stored or transported together
7. Tests for mechanical sensitivity — including sensitivity to friction and impact
8. Tests for sensitivity to electrostatic discharge
9. Tests for sympathetic initiation and detonation
10. Tests for velocity of detonation
11. Tests for explosive strength
12. Tests for or calculation of the composition of gases that evolve on explosion
13. Performance tests
14. Tests for minimum burning pressure
15. Packaging tests
16. Any other tests that are necessary for the purpose of authorizing an explosive

PART 4

IMPORTING AND EXPORTING EXPLOSIVES AND TRANSPORTING EXPLOSIVES IN TRANSIT

Overview

43. This Part sets out

(a) the circumstances in which explosives may be imported, exported or transported in transit without a permit;

(b) the information that a person must include in an application for a permit to import or export explosives or transport them in transit; and

(c) the requirements that permit holders must meet, including the information that permit holders must provide to the Chief Inspector of Explosives after explosives are imported, exported or transported in transit.

Definitions

44. (1) The following definitions apply in this Part.

“annual permit”

« *permis annuel* »

“annual permit” means a permit for multiple importations during a one year period.

“secure storage site”

« *lieu de stockage sécuritaire* »

“secure storage site” means a site at which the Minister of Natural Resources or a province has authorized storage of the type and quantity of explosives that are to be transported in transit.

“single use permit”

« *permis à utilisation unique* »

“single use permit” means a permit for a single importation.

Explosives quantity

(2) A reference to a mass of explosives in this Part is a reference to their net quantity (the mass of the explosives excluding the mass of any packaging or container).

NO PERMIT REQUIRED

Importation

45. A person may import an explosive set out in the table to this section without a permit if the following conditions are met:

- (a) the explosive is imported for personal use and not for commercial purposes;
- (b) the explosive enters Canada with the person importing it;
- (c) in the case of small arms cartridges, the cartridges do not include a tracer, incendiary or similar military component or device (for example, an armour-piercing projectile); and
- (d) the quantity of the explosive being imported is not more than the quantity set out in the table.

TABLE

Column 1	Column 2
Item Explosive	Quantity
1. Model rocket motors that each have a maximum total impulse of 40 newton-seconds (NFPA alpha designations A to E, as indicated on the motor or its packaging)	6
2. Avalanche airbag systems	3
3. Small arms cartridges	5 000
4. Percussion caps (primers) for small arms cartridges	5 000
5. Empty primed small arms cartridge cases	5 000
6. Black powder and hazard category PE 1 black powder substitutes	8 kg, in containers of 500 g or less
7. Smokeless powder and hazard category PE 3 black powder substitutes	8 kg, in containers of 4 kg or less

IMPORT PERMITS

Application

Application

46. (1) An applicant for an import permit must complete, sign and send to the Chief Inspector of Explosives the application form provided by the Department of Natural Resources. The application must state whether a single use permit or an annual permit is requested and include the following information:

- (a) the name, address, telephone number, fax number and email address of the applicant;
- (b) if the applicant has a customs broker, the broker's name, address, telephone number, fax number and email address and the name of a contact person for the broker;
- (c) the trade name and UN number of each explosive to be imported;
- (d) the quantity of each explosive to be imported or, if the application is for an annual permit, the estimated quantity of each explosive to be imported during the year;
- (e) the purpose for which each explosive is imported (personal, industrial or commercial use, reloading, field trial or other testing, sale, consignment, [\(see footnote 9*\)](#) pyrotechnic event, fireworks display or other purpose);
- (f) the name of the manufacturer of each explosive;
- (g) the country of origin of each explosive;
- (h) the location of the Canadian port of entry through which each explosive will pass;
- (i) the address of the person to whom each explosive will be delivered and the location where it will be stored;

(j) in the case of an explosive to be stored in a licensed factory or a licensed magazine, the number and expiry date of the factory or magazine licence and, for each explosive that will be stored there, the quantity of that explosive authorized by the licence to be stored;

(k) in the case of an explosive to be stored in a magazine owned by a person other than the applicant, proof that the other person has agreed to have the explosive stored in their magazine; and

(l) the date of the application.

Fees for import permit

(2) An applicant for an import permit must pay the applicable fees set out in Part 19.

Requirements To Be Met by Import Permit Holder

Quantity of explosives and packaging

47. (1) A holder of an import permit must ensure that the following requirements are met:

(a) the quantity of each explosive to be imported must not exceed the quantity of the explosive that the holder is authorized by a factory licence, a magazine licence or these Regulations to store; and

(b) the packaging in which each explosive is imported must conform to the description of the packaging set out in the explosive's authorization.

Information on explosives

(2) A holder of an import permit must ensure that the following information is legibly printed on each explosive to be imported or, if that is not possible, on a label affixed to the explosive or, if even that is not possible, on the packaging containing the explosive or on a label affixed to the packaging:

(a) the name and address of the person who obtained the explosive's authorization;

(b) the date of its manufacture and, if the manufacturer carries out manufacturing operations in shifts, the shift during which it was manufactured;

(c) its trade name; and

(d) instructions, in both English and French, for its safe handling, storage, use and destruction.

Exception

(3) Paragraph 2(d) does not apply in the case of fireworks that are imported for use at a tour or international competition if the instructions for their safe handling, storage, use and destruction are printed in a language understood by the person who will use the fireworks.

Information on packaging

(4) A holder of an import permit must ensure that the following information is legibly printed on the packaging, or on a label affixed to the packaging, of each explosive to be imported:

(a) the words "Explosives/Explosifs", "Fireworks/Pièces pyrotechniques" or "Pyrotechnics/Pièces pyrotechniques", as the case may be, on the outer packaging and any inner packaging; and

(b) the trade name and classification of the explosive and the name and address of the person who obtained its authorization on the outer packaging.

Printing deadline

(5) A holder of an import permit must ensure that the information to be printed on an explosive and its packaging is printed on them before the explosive is distributed and in any case no later than 15 days after the date on which the explosive is released under section 31 of the *Customs Act*.

Report

(6) A holder of an import permit must complete, sign and send to the Chief Inspector of Explosives a report using the form provided by the Department of Natural Resources. The report must include the following information:

(a) the holder's name, address, telephone number, fax number and email address;

(b) the holder's permit number and its expiry date;

(c) the trade name and UN number of each explosive that was imported and the name of the person who obtained its authorization;

- (d) the quantity and UN number of each type of explosive;
- (e) the country of origin of each explosive;
- (f) the means of transport used;
- (g) the location of the Canadian port of entry through which each explosive passed; and
- (h) the date of the report and the name of the person who completed the report.

Deadline — annual permit

(7) A holder of an annual permit must submit the report before the permit is renewed or, if the permit is not renewed, within a year after it expires. The report must be submitted even if no explosives were imported during the year for which the permit was valid.

Deadline — single use permit

(8) A holder of a single use permit must submit the report within 30 days after the date on which the explosives were imported.

EXPORT PERMIT

Application

Application

48. An applicant for an export permit must complete, sign and send to the Chief Inspector of Explosives the application form provided by the Department of Natural Resources. The application must state whether a single use permit or an annual permit is requested and include the following information:

- (a) the name, address, telephone number, fax number and email address of the applicant;
- (b) if the applicant has a customs broker, the broker's name, address, telephone number, fax number and email address and the name of a contact person for the broker;
- (c) the trade name and UN number of each explosive to be exported;
- (d) the quantity of each explosive to be exported or, if the application is for an annual permit, the estimated quantity of each explosive to be exported during the year;
- (e) the name of the manufacturer of each explosive;
- (f) the country of origin of each explosive;
- (g) the location of the Canadian port of entry through which each explosive will pass;
- (h) the name, address, telephone number, fax number and email address of the person to whom each explosive will be delivered;
- (i) a copy of a permit, or other proof, establishing that each explosive may lawfully enter the country of destination;
- (j) a copy of a permit, or other proof, establishing that each explosive may lawfully transit any country through which it will be transported if the country requires permission for the in transit transportation of the explosive; and
- (k) the date of the application.

Requirements To Be Met by Export Permit Holder

Information on packaging

49. (1) A holder of an export permit must ensure that the following information is legibly printed on the packaging, or on a label affixed to the packaging, of each *explosive to be exported:

- (a) the words "Explosives/Explosifs", "Fireworks/Pièces pyrotechniques" or "Pyrotechnics/Pièces pyrotechniques", as the case may be, on the outer packaging and any inner packaging; and
- (b) the trade name and classification of the explosive and the name and address of the person who obtained its authorization on the outer packaging.

Report

(2) A holder of an export permit must complete, sign and send to the Chief Inspector of Explosives a report using the form provided by the Department of Natural Resources. The report must include the following information:

- (a) the holder's name, address, telephone number, fax number and email address;
- (b) the holder's permit number and its expiry date;
- (c) the trade name and UN number of each explosive that was exported and the name of the person who obtained its authorization; and
- (d) the quantity and UN number of each type of explosive that was exported;
- (e) the country of origin of each explosive;
- (f) the means of transport used;
- (g) the location of the Canadian port of entry through which each explosive passed; and
- (h) the date of the report and the name of the person who completed the report.

Deadline – annual permit

(3) A holder of an annual permit must submit the report before the permit is renewed or, if the permit is not renewed, within a year after it expires. The report must be submitted even if no explosives were exported during the year for which the permit was valid.

Deadline – single use permit

(4) A holder of a single use permit must submit the report within 30 days after the date on which the explosives were exported.

IN TRANSIT PERMITS

Application

Application

50. An applicant for an in transit permit must complete, sign and send to the Chief Inspector of Explosives the application form provided by the Department of Natural Resources. The application must state whether a single use permit or an annual permit is requested and include the following information:

- (a) the name, address, telephone number, fax number and email address of the applicant;
- (b) if the applicant has a customs broker, the broker's name, address, telephone number, fax number and email address and the name of a contact person for the broker;
- (c) the trade name and UN number of each explosive to be transported in transit;
- (d) if an explosive to be transported is not on the list of authorized explosives referred to in subsection 41(1), the name or trade name of the explosive, a description of the explosive and its UN number;
- (e) the quantity of each explosive to be transported or, if the application is for an annual permit, the estimated quantity of each explosive to be transported during the year;
- (f) the name of the manufacturer of each explosive;
- (g) the country of origin of each explosive;
- (h) the anticipated dates of entry into and departure from Canada;
- (i) the location of the Canadian port of entry through which each explosive will pass;
- (j) the location in Canada of secure storage sites that may be used if the transportation is interrupted and, if any of the sites is a licensed factory or a licensed magazine, the number and expiry date of the factory or magazine licence and, for each explosive that might be stored there, the quantity of that explosive that is authorized by the licence to be stored;
- (k) if any of the secure storage sites is a magazine that is owned by a person other than the applicant, proof that the other person has agreed to have the explosive stored in their magazine if an interruption in transportation occurs;
- (l) the name, address, telephone number, fax number and email address of the person to whom each explosive will be delivered;
- (m) a copy of a permit, or other proof, establishing that each explosive may lawfully enter the country of destination;

(n) a copy of a permit, or other proof, establishing that each explosive may lawfully transit any country through which it will be transported if the country requires permission for the in transit transportation of the explosive; and

(o) the date of the application.

Requirements To Be Met by In Transit Permit Holder

Information on packaging

51. (1) A holder of an in transit permit must ensure that the following information is legibly printed on the packaging, or on a label affixed to the packaging, of each explosive to be transported in transit:

- (a) the name or trade name of the explosive;
- (b) a description of the explosive;
- (c) the UN number of the explosive; and
- (d) the quantity to be transported.

Interruption of in transit transportation

(2) If anything interrupts an in transit transportation of explosives, the holder of the in transit permit must ensure that the explosives are stored in a secure storage site and are [\(see footnote 10*\)](#) attended.

Report

(3) A holder of an in transit permit must complete, sign and send to the Chief Inspector of Explosives a report using the form provided by the Department of Natural Resources. The report must include the following information:

- (a) the permit holder's name, address, telephone number, fax number and email address;
- (b) the holder's permit number and its expiry date;
- (c) the name or trade name, the UN number and a description of each explosive that was transported in transit; and
- (d) the quantity and UN number of each type of explosive that was transported in transit;
- (e) the country of origin of each explosive;
- (f) the means of transport used;
- (g) the location of the Canadian ports of entry through which each explosive passed; and
- (h) the date of the report and the name of the person who completed the report.

Deadline — annual permit

(4) A holder of an annual permit must submit the report before the permit is renewed or, if the permit is not renewed, within a year after it expires. The report must be submitted even if no explosives were transported in transit during the year for which the permit was valid.

Deadline — single use permit

(5) A holder of a single use permit must submit the report within 30 days after the date on which the explosives entered Canada.

PART 5

MANUFACTURING EXPLOSIVES

Overview

52. (1) This Part sets out the rules for manufacturing explosives. However, it does not apply to the manufacture of small arms cartridges or black powder cartouches for personal use nor to repackaging under a vendor magazine licence.

Division 1

(2) Division 1 (sections 55 to 105) sets out how to obtain a division 1 factory licence or a satellite site certificate, as well as the requirements for holders of the licence or certificate and for workers at, and visitors to, the factory or the satellite site.

Division 2

(3) Division 2 (sections 106 to 132) sets out how to obtain a division 2 factory licence or a manufacturing certificate, as well as the requirements for holders of the licence or certificate and for

workers at, and visitors to, the workplace.

Division 3

(4) Division 3 (sections 133 to 142) sets out the manufacturing activities that do not require a factory licence or manufacturing certificate and the requirements for people who carry out those activities.

Definition of “manufacturing”

53. In this Part, “manufacturing” includes the following activities:

- (a) making or manufacturing an explosive substance from raw material or from another explosive substance;
- (b) making or manufacturing an explosive article, including the assembly of an article from explosive and non-explosive components;
- (c) altering or remaking an explosive substance or explosive article by modifying its chemical composition (for example, by gassing or blending) or by subjecting it to physical processes with the input of energy (for example, pneumatic handling, pumping, shearing or thickening);
- (d) dividing an explosive into its components or unmaking, breaking up or in any manner destroying it;
- (e) packaging explosives; and
- (f) testing an unauthorized explosive or testing an explosive to assess its potential for a use other than its authorized use.

Explosives quantity

54. A reference to a mass of explosives in this Part is a reference to their net quantity (the mass of the explosives excluding the mass of any packaging or container).

DIVISION 1

MANUFACTURING EXPLOSIVES UNDER A DIVISION 1 FACTORY LICENCE OR A SATELLITE SITE CERTIFICATE

Interpretation

Definitions — sites and authorizations

55. The following definitions relating to sites and authorizations apply in this Division.

“client site”
« *site client* »

“client site” means a blast site at which a mobile process unit is used to manufacture explosives away from a factory or satellite site.

“division 1 factory licence”
« *licence de fabrication de la section 1* »

“division 1 factory licence” means a licence that is issued under paragraph 7(1)(a) of the *Explosives Act* and authorizes the manufacture of explosives at a factory.

“satellite site”
« *site satellite* »

“satellite site” means a site that is located away from a factory and is used to manufacture and temporarily store explosives for use at a blast site.

“satellite site certificate”
« *certificat de site satellite* »

“satellite site certificate” means a manufacturing certificate that is issued to the holder of a division 1 factory licence under paragraph 7(1)(c) of the *Explosives Act* and authorizes the manufacture of explosives at a satellite site.

Definitions — facilities

56. The following definitions relating to facilities and equipment at factories, satellite sites or client sites apply in this Division.

“factory magazine”
« *poudrière de fabrication* »

“factory magazine” means a magazine that is located at a factory or a satellite site.

“mobile process unit”
« *unité de fabrication mobile* »

“mobile process unit” means a vehicle or a portable machine that is used at a factory, a satellite site or a client site to carry out an explosives manufacturing operation.

“process unit”

« *unité de fabrication* »

“process unit” means a building, structure, room or place in which an explosives manufacturing operation is carried out at a factory.

“raw material storage facility”

« *installation de stockage de matières premières* »

“raw material storage facility” means a facility where non-explosive raw material and packaging material are stored at a factory or a satellite site.

“transport unit”

« *unité de transport* »

“transport unit” means a vehicle or container in which explosives or raw material are conveyed from one place to another at a factory or satellite site without using a public road. It includes a tow motor, forklift, wagon, handcart and basket, but does not include a conveyor or pipeline.

Definitions — people

57. The following definitions relating to people at factories, satellite sites or client sites apply in this Division.

“competent person”

« *personne compétente* »

“competent person” means a person who has been certified as trained in accordance with section 83.

“worker”

« *travailleur* »

“worker” means a person who is at a factory or a satellite site to carry out a manufacturing operation or some other kind of work (for example, maintenance of facilities or repair of equipment) for the holder of a division 1 factory licence.

Subdivision a

Authorized Activities

Manufacture of explosives

58. (1) A holder of a division 1 factory licence may manufacture explosives if the holder complies with this section.

Type of explosive

(2) Each explosive to be manufactured must be specified in the division 1 factory licence or a satellite site certificate.

Place of manufacture

(3) Explosives must be manufactured at one of the following locations:

- (a) the factory specified in the division 1 factory licence;
- (b) a satellite site specified in a satellite site certificate; or
- (c) a client site specified in the licence or a certificate.

Manufacturing operations and work

(4) A manufacturing operation may be carried out in a process unit or factory magazine, and maintenance and other work may be done to a process unit, factory magazine, raw material storage facility or transport unit, only if the manufacturing operation, maintenance or other work is specified in the division 1 factory licence or a satellite site certificate. However, the minor servicing authorized by these Regulations does not have to be specified in the licence or certificate.

Acquisition, storage and sale of explosives

59. (1) A holder of a division 1 factory licence may acquire and store explosives and may sell explosives without a vendor magazine licence.

Compliance with Parts 10 to 18

(2) A holder who acquires or sells explosives must comply with Parts 10 to 18. However, they are not required to comply with the provisions of those Parts that apply to the storage of explosives if the explosives are stored at the factory or a satellite site.

Subdivision b

Application

Information

60. (1) An applicant for a division 1 factory licence or a satellite site certificate must complete, sign and send to the Chief Inspector of Explosives the application form provided by the Department of Natural Resources. The application must state whether a licence or a certificate is requested and must include the following information:

- (a) the name, address, telephone number, fax number and email address of both the applicant and a contact person;
- (b) each type of explosive to be manufactured;
- (c) if the application is for a satellite site certificate, the number of the applicant's division 1 factory licence and the dates on which the operations at the satellite site will begin and end;
- (d) the address of the factory or satellite site; and
- (e) the name, address, telephone number, fax number and email address of a contact person at the factory or satellite site.

Plans and sketches

(2) The application must include the following documents:

- (a) a factory site and area plan or a satellite site and area plan that shows
 - (i) the topography of the site,
 - (ii) the location of every process unit, factory magazine and raw material storage facility, and every building or structure that contains such a unit, magazine or facility,
 - (iii) the location of any other building or structure, and
 - (iv) the distance in metres between each process unit, factory magazine, raw material storage facility, building and structure;
 - (v) the area surrounding the site that is exposed to the hazards (for example, debris or blast effect) that could result from an ignition of the explosives to be manufactured or stored at the site,
 - (vi) each [\(see footnote 11*\)](#) vulnerable place within that area, and
 - (vii) the distance in metres between each vulnerable place and each process unit, factory magazine and raw material storage facility;
- (b) layout sketches, diagrams or drawings that show
 - (i) the workplace areas, storage areas and emergency exits of every process unit, factory magazine, raw material storage facility and every building or structure that contains such a unit, magazine or facility,
 - (ii) the equipment to be used in each process unit, including piping and instrumentation diagrams and equipment layout drawings, and
 - (iii) the manufacturing operations to be carried out, including process flow sheets or process schematic drawings.

Site description

(3) The application must include the following information about the factory or satellite site:

- (a) its geographical coordinates;
- (b) the size of, and construction materials used for, each building at the site and all lighting, heating, ventilation and air conditioning systems, electrical installations, grounding and measures for protection from fire and lightning;
- (c) all site and building security features (for example, fencing, barriers and warning signs);
- (d) the principal manufacturing equipment to be used and its safety features;
- (e) each mobile process unit to be used;
- (f) any other mobile equipment, including transport units, to be used and how the equipment will be powered; and

(g) any special safety features at the site (for example, diking, sumps, blowout panels, means of blast containment, barriers, alarms or pressure relief and control systems).

Client site

(4) If the manufacture of explosives is to be carried out at a client site, the application must include the following information:

- (a) the name, address, telephone number, fax number and email address of a contact person at the client site;
- (b) a description of the client site;
- (c) the distance in kilometres between the factory and the client site; and
- (d) the distance in kilometres between any satellite site and the client site.

Explosives description

(5) The application must include a description that sets out,

- (a) for each explosive to be manufactured at the factory, a satellite site or a client site,
 - (i) its trade name and its UN proper shipping name,
 - (ii) the date on which the explosive was authorized or its authorization file number,
 - (iii) its UN number, and
 - (iv) its hazard category; and
- (b) for each explosive to be stored at the factory or a satellite site,
 - (i) its UN proper shipping name,
 - (ii) its UN number, and
 - (iii) its hazard category.

Manufacturing operations description

(6) The application must include the following information about manufacturing operations:

- (a) a description of the operations to be carried out in each process unit and factory magazine;
- (b) a description of the explosives, and of any other thing that is flammable, that is liable to spontaneously combust or that is otherwise dangerous, that will be stored in each process unit, factory magazine, raw material storage facility, building and structure;
- (c) the results of a quantified risk assessment or hazard operability review of any manufacturing operation to be used to manufacture an explosive if that operation has not previously been used in Canada to manufacture that explosive;
- (d) the maximum quantity of explosives and raw material that will be stored in each process unit, factory magazine, raw material storage facility, building and structure at any one time;
- (e) the maximum number of people who will be in each process unit, factory magazine, raw material storage facility, building and structure at any one time; and
- (f) the minimum distance in metres that must be maintained between each process unit, factory magazine and raw material storage facility and each vulnerable place shown on the site and area plan, as set out in the *Quantity Distance Principles – User’s Manual*, 1995, published by the Explosives Regulatory Division, Department of Natural Resources.

Security plan

(7) If type E, I or D explosives are to be manufactured or stored, the application must include a security plan that sets out the following information:

- (a) an assessment of the security risks resulting from the presence of the explosives at the factory, satellite site or client site;
- (b) a description of the measures that will be taken to minimize those risks;
- (c) a description of the procedures that will be followed to respond to security incidents; and

(d) a description of the procedures that will be followed to report security incidents.

List of documents

(8) The application must include a list of the following documents, along with the dates on which they were made and the dates of any amendments:

(a) any environmental assessment of the factory, satellite site or client site or of the operations to be carried out there;

(b) the documents that set out the rules, procedures and protocols designed to ensure compliance with the *Explosives Act*, these Regulations and the licence, including

- (i) operating procedures,
- (ii) maintenance procedures,
- (iii) training manuals,
- (iv) emergency response plans, and
- (v) spill contingency plans;

(c) if manufacturing operations are to be carried out in a quarry, a letter of understanding signed by the quarry operator that sets out the safety measures that will be taken at the quarry;

(d) if activities that could increase the likelihood of an ignition (such as welding) are to be carried out, a document that sets out the rules governing those activities; and

(e) if explosives are to be destroyed, a document that sets out the method of destruction to be used.

Identifier

(9) Every process unit, factory magazine, raw material storage facility, building and structure and every vulnerable place that is shown on the site plan and area plan must be identified by a number, letter or distinctive name, which must be used to identify the unit, magazine, building or structure in every drawing, sketch or description included in the application.

Scale drawing

(10) Every drawing, sketch or plan must be drawn to scale, or be a reasonable approximation of actual distances and dimensions, and must include a legend.

Fees

61. An applicant for a division 1 factory licence or a satellite site certificate must pay the applicable fees set out in Part 19.

Subdivision c

Requirements for Holders of Division 1 Factory Licences

Facilities at Factories and Satellite Sites

Responsibilities of licence holder

62. A holder of a division 1 factory licence must ensure that the requirements relating to process units, factory magazines, raw material storage facilities and transport units set out in sections 63 to 68 are met at the factory and, if they also hold a satellite site certificate, at each satellite site.

Acceptable distance requirement

63. (1) Every process unit, factory magazine and raw material storage facility must be located at an acceptable distance from surrounding structures and infrastructure and from places where people are likely to be present.

Criteria — acceptable distance

(2) Acceptable distance is determined by the Minister of Natural Resources on the basis of risk of harm to people or property, taking into account the quantity and type of explosives that are to be manufactured, the raw material to be used, the manufacturing operations to be carried out, the strength, proximity and use of surrounding structures and infrastructure and the number of people likely to be in the vicinity of the unit, magazine or facility.

Structural requirements

(3) Every process unit, factory magazine and transport unit must be designed, constructed and installed to conform to good engineering practices. It must be constructed in a manner that prevents the accumulation of explosives or raw material in cracks and cavities and that minimizes the harm to people

and property that could result from an ignition of the explosives or raw material. The construction materials must be compatible with the explosives to be manufactured, stored or transported and with the raw material to be used.

Factory magazines

(4) Every factory magazine must also be constructed so that it is well ventilated and resistant to theft, weather and fire.

Raw material storage facilities

(5) Every raw material storage facility must be designed, constructed and installed to conform to good engineering practices. The construction materials must be compatible with the raw material to be stored in the facility.

Means of escape

(6) Every process unit, factory magazine, raw material storage facility and transport unit must have a means of escape that will permit all people in the unit, magazine or facility to leave it quickly and easily in an emergency.

Lighting, electrical fixtures and wiring systems

(7) The lighting, electrical fixtures and wiring systems that are used in a process unit, factory magazine, raw material storage facility or transport unit must not increase the likelihood of an accidental ignition.

Electrostatic hazard

(8) Precautions that eliminate any possibility of an accidental ignition of electrostatic sensitive material (for example, grounding and control of humidity) must be taken in every process unit, factory magazine, raw material storage facility and transport unit.

Protection against lightning strikes

(9) Every process unit or building in which a process unit is located must be protected from lightning strikes if it would not be safe to shut down manufacturing operations in the process unit during a thunderstorm.

Equipment

64. (1) All tools, accessories and equipment that are in a process unit, factory magazine, raw material storage facility or transport unit must be designed, constructed and installed to conform to good engineering practices.

Compatibility

(2) Every thing that is in a process unit, factory magazine, raw material storage facility or transport unit must be made from materials that are compatible with the explosives and raw material in the unit, magazine or facility.

Incompatible things

(3) However, a thing that is not compatible with an explosive or raw material in a process unit, factory magazine or raw material storage facility but is required for manufacturing or maintenance (such as a cleaning fluid or solvent) may be brought into the unit, magazine or facility for immediate use. It must be removed as soon as the circumstances permit after its use unless the division 1 factory licence or satellite site certificate authorizes its storage in the unit, magazine or facility.

Control of safety-critical parameters

(4) All equipment designed to control safety-critical parameters on pumps, and on other process equipment that puts energy into explosives, must be installed and maintained in good condition so that the equipment operates while the pumps and process equipment are in use.

Motorized transport units

(5) A motorized transport unit that contains explosives must be equipped with two easily accessible fire extinguishers, each with a rating of at least 4-A :40-B:C.

Open-flame device

(6) An open-flame device, an open-element electrical appliance or a device (for example, a heat sealer) with a surface temperature above the decomposition temperature of the explosives or raw material with which it may come in contact must not be stored in a process unit unless the division 1 factory licence or satellite site certificate authorizes one to be stored in the unit.

Containers

65. (1) All raw material, explosive substances and explosives waste must be kept in closed containers that prevent spills and contamination. The contents of each container must be clearly identified on a label attached to the container.

Spills

(2) Any spill of explosives, raw material or other material must be cleaned up as soon as the circumstances permit so as to eliminate any possibility of an ignition.

Foreign matter

(3) If the likelihood of an ignition could be increased as a result of foreign matter (for example, bolts, gravel or grit) being present in or mixed with any raw material, or explosive used as raw material, the material must be carefully examined and passed through a sieve or treated to remove or exclude the foreign matter before manufacturing operations begin.

Removal of explosives from process unit

(4) All explosives and raw material must be removed from a process unit as soon as the circumstances permit after manufacturing operations are completed, unless the division 1 factory licence or satellite site certificate authorizes storage of the explosives or raw material in the unit.

Removal of explosives from transport unit

(5) All explosives and raw material must be removed from a transport unit as soon as the circumstances permit after the transport of the explosives or material is completed. A transport unit that contains explosives must be attended in person. However, it may be left unattended during a thunderstorm.

Destruction of waste and contaminated material

(6) All explosives waste and explosivescontaminated material must be destroyed in a manner that does not increase the likelihood of an accidental ignition during or after the destruction.

Decontamination

(7) Any building or equipment that is no longer being used to manufacture explosives must be [\(see footnote 12*\)](#) decontaminated as soon as the circumstances permit. The building or equipment must be inspected by a supervisor to verify that it no longer contains any explosives.

Process unit records

66. (1) A record must be made for each period during which a process unit operates. The record must be kept for two years after the date on which it is made and must include the following information:

- (a) for each unit,
 - (i) the dates on which the period began and ended,
 - (ii) a short description of the explosives, and the properties of the explosives, manufactured,
 - (iii) the quantity of explosives manufactured, and
 - (iv) the maintenance of and repairs to the unit, the dates on which the work was carried out and the name of the worker who did the work; and
- (b) for any equipment in the unit whose malfunction could increase the likelihood of an ignition,
 - (i) the dates on which the period began and ended,
 - (ii) the manufacturing operations for which the equipment was used, and
 - (iii) the maintenance of and repairs to the equipment, the dates on which the work was carried out and the name of the person who did the work.

Decontamination records

(2) A record must be made for each decontamination of equipment that was used in a process unit. The record must describe the contamination and the means of decontamination and include the names of the workers who carried out the decontamination and the name of the supervisor who inspected the equipment after the decontamination. The record must be kept for two years after the date on which the equipment is disposed of.

Thunderstorms

67. (1) On the approach of and during a thunderstorm, the following procedures must be followed:

- (a) all manufacturing operations in a process unit that can be safely shut down must be shut down;
- (b) all entrances to any factory magazine containing explosives must be closed;
- (c) any transport unit containing explosives must be immediately moved to an isolated safe place; and
- (d) all people at the factory or satellite site must be immediately moved to a safe place and

prevented from returning until the storm passes.

Process units

(2) However, any manufacturing operation in a process unit that could, if stopped, increase the likelihood of harm to people or property may be carried on during a thunderstorm until the operation can be safely shut down.

Maintenance

68. (1) Every process unit, factory magazine and transport unit and all equipment that is used to manufacture explosives must be maintained in good operating condition.

Servicing during use

(2) Minor servicing of a process unit, factory magazine or transport unit, or of equipment that is used to manufacture explosives, may be done while the unit, magazine or equipment is in use if the following requirements are met:

- (a) the servicing is routine and is integral to the use of the unit, magazine or equipment; and
- (b) the servicing is done by a competent person.

Work permit

(3) All other maintenance or repair work that is done at the factory or a satellite site in or to a process unit, factory magazine, transport unit or equipment that is used to manufacture explosives must be done by a competent person who has been issued a work permit by the licence holder.

Contents of work permit

(4) A work permit must set out the procedures to be followed during the maintenance or repair work and the measures that must be taken before, during and after the work to eliminate any possibility of an ignition.

Decontamination

(5) If any transport unit or equipment at the factory or a satellite site is contaminated, it must be decontaminated at the factory before it is taken outside the factory for maintenance, repair or disposal.

Work done outside factory or satellite site

(6) If maintenance or repair work is done outside the factory or a satellite site on manufacturing equipment whose malfunction could increase the likelihood of an ignition (for example, pumps or safety trips), it must be done by a competent person.

Logbook and work permits

(7) A logbook of all maintenance and repair work done in or to every process unit, factory magazine and transport unit, and to any manufacturing equipment whose malfunction could increase the likelihood of an ignition, must be kept for two years after the date on which the last entry is made. The work permits for this maintenance and repair work must also be kept for two years after the date on which the work is completed.

Progressive cavity pump logbook

(8) For each progressive cavity pump, a separate logbook that sets out the operating history of the pump and the maintenance and repair work done to it must be kept at the factory for the life of the pump.

Signs

Responsibilities of licence holder

69. A holder of a division 1 factory licence must ensure that the signage requirements set out in sections 70 to 72 are met at the factory and, if they also hold a satellite site certificate, at each satellite site.

Signs

70. A sign that warns against unauthorized entry must be posted at each entrance to a factory or satellite site in a clearly visible location. The sign must also warn of danger from explosives and indicate the precautions that must be taken to eliminate the possibility of an accidental ignition.

Exterior signs — process units and factory magazines

71. (1) On the outside of each process unit and factory magazine, a sign that sets out either the number, letter or distinctive name specified in the division 1 factory licence or satellite site certificate for that unit or magazine or the activities for which the unit or magazine is used, must be posted at each entrance in a clearly visible location.

Interior signs — process units and factory magazines

(2) On the inside of each process unit and factory magazine, a sign that sets out the following

information must be posted at the main entrance in a clearly visible location:

- (a) the quantity of each type of explosive and the quantity of raw material that are authorized to be in the unit or magazine at any one time;
- (b) the number of people who are authorized to be in the unit or magazine at any one time; and
- (c) any other conditions or restrictions specified in the licence or certificate that apply to the unit or magazine.

Interior signs — at raw material storage facilities

72. On the inside of each raw material storage facility, a sign that sets out the raw material, and the properties of the raw material, that is authorized to be stored in the facility, and the quantity of raw material that is authorized to be stored at any one time, must be posted at the main entrance in a clearly visible location. The sign must also indicate the precautions that must be taken to eliminate the possibility of an ignition of the raw materials.

Packaging

Responsibilities of licence holder

73. A holder of a division 1 factory licence must ensure that the packaging requirements set out in section 74 are met at the factory and, if they also hold a satellite site certificate, at each satellite site.

Information displayed on explosives

74. (1) The following information must be legibly printed on each explosive that is manufactured at the factory or satellite site or, if that is not possible, on a label affixed to the explosive or, if even that is not possible, on the packaging containing the explosive or a label affixed to its packaging:

- (a) the trade name of the explosive and the name and address of the person who obtained its authorization;
- (b) the date on which the explosive was manufactured and, if the manufacturer carries out manufacturing operations in shifts, the shift during which it was manufactured; and
- (c) instructions, in both English and French, for its safe handling, storage, use and destruction.

Information on packaging

(2) The following information must be legibly printed on the packaging containing the explosive or on a label affixed to its packaging:

- (a) the words "Explosives/Explosifs", "Fireworks/Pièces pyrotechniques" or "Pyrotechnics/Pièces pyrotechniques", as the case may be, on the outer packaging or label and any inner packaging or label; and
- (b) the trade name and classification of the explosive and the name and address of the person who obtained its authorization on the outer packaging or label.

Information on industrial explosive

(3) The manufacturer's division 1 factory licence number must be printed in a legible and permanent manner on the outer packaging of every [\(see footnote 13*\)](#) industrial explosive.

Safety of Workers and Visitors

Responsibilities of licence holder

75. A holder of a division 1 factory licence must ensure that the worker and visitor safety requirements set out in sections 76 to 79 are met at the factory, and if they also hold a satellite site certificate, at each satellite site.

Access

76. (1) Only people authorized by the holder of a division 1 factory licence may have access to the factory or a satellite site.

Orientation sessions

(2) A visitor may be authorized to enter the factory or a satellite site only if they have attended an orientation session on visitor safety within the 12 months before the date on which they enter. If any of the safety procedures have changed since their last orientation session, they must attend a new session before their entry is authorized.

Visitors — general public

(3) A visitor may be authorized to enter any part of the factory or a satellite site if they are at least 17 years old and remain under the supervision of a competent person.

Lists of personal protective equipment

77. (1) Up-to-date lists of the personal protective equipment, clothing and devices that are needed to protect workers and visitors from the hazards to which they could be exposed while at the factory or a satellite site must be maintained and must be made available to all workers and visitors.

Personal protective equipment

(2) Every worker and visitor must be required to wear the personal protective equipment, clothing and devices that are needed to protect them.

Hair, clothing and accessories

(3) Every worker and visitor must be required to confine or cover any loose hair and confine, cover or remove any loose clothing, jewellery or other accessories if the hair, clothing or accessories could increase the likelihood of an ignition or the likelihood of harm to the worker or visitor.

Electronic devices

(4) Every worker and visitor must be required to deactivate any electronic device in their possession (for example, a cellphone or two-way radio) in any part of the factory or a satellite site where the device, if activated, could increase the likelihood of an ignition.

Performance-diminishing substance

78. A worker or visitor must not be authorized to enter the factory or a satellite site if there are reasonable grounds to believe that they are under the influence of or carrying alcohol or another performance-diminishing substance. However, a worker or visitor who has taken a prescription drug may be permitted to enter if they have medical proof that the drug is needed and that it will not impede their ability to carry out their functions or to visit safely.

No smoking

79. (1) Smoking must be prohibited at the factory and any satellite site.

No fire-producing devices

(2) Fire-producing devices (for example, matches and lighters) must not be permitted in the factory or any satellite site unless they are authorized by the division 1 factory licence or satellite site certificate.

Training

Responsibilities of licence holder

80. A holder of a division 1 factory licence must ensure that the training requirements for workers set out in sections 81 to 84 are met at the factory, and if they also hold a satellite site certificate, at each satellite site.

Employees' qualifications

81. Every employee at a factory or a satellite site must be required to meet the following requirements:

(a) they must be a competent person; or

(b) they must be at least 17 years old, participating in the training program referred to in section 82 and under the direct supervision of a competent person.

Training program

82. (1) Every employee must be trained to carry out their duties at the factory or a satellite site in a safe and lawful manner. The training must be given by a competent person.

Contents of training

(2) The training must include all information necessary to ensure the security of the factory or site and the safety of the employee, other people at the factory or site and the general public. It must also include a review of the *Explosives Act*, these Regulations and the division 1 factory licence or satellite site certificate

Certification

83. (1) A holder of a division 1 factory licence must certify as trained any employee who is at least 18 years old if

(a) the employee has completed the training referred to in section 82; or

(b) the holder has reasonable grounds to believe that the employee understands the hazards to which they could be exposed at the factory or satellite site and is competent to carry out their duties in a manner that is safe, lawful and ensures the security of the site.

Form and contents

(2) Evidence of an employee's certification may be either a training record or a document signed by the

person who provided the training or, in the case provided for in paragraph (1)(b), by the holder of the division 1 factory licence. It must be given to the employee and record the employee's name, the operating procedures the employee is competent to carry out and the date on which the certification will expire.

Expiry

(3) An employee's training certification must expire not more than five years after the date of the certification. If a change occurs in the operating procedures for which the employee was certified, the employee must be trained in the new operating procedures but the expiry date of the certification must remain the same.

Records

(4) A training record and a record of work experience must be made and kept up to date for each employee at the factory or satellite site where they perform their duties. These records must be kept for two years after the date on which the employee's certification expires.

Training and supervision

84. Every worker at a factory or a satellite site who is not an employee must

(a) be trained to carry out their work in a manner that is safe and lawful and ensures the security of the site; and

(b) remain under the supervision of a competent person while at the factory or satellite site.

Operation of the Factory or Satellite Site

Responsibilities of licence holder

85. A holder of a division 1 factory licence must ensure that the operational requirements set out in sections 86 to 91 are met at the factory and, if they also hold a satellite site certificate, at each satellite site.

Operating procedures

86. (1) Operating procedures, including procedures to minimize the likelihood of an accidental ignition, must be put in place for every manufacturing operation.

Update of procedures

(2) The operating procedures must be kept up to date and reviewed annually. If a manufacturing operation is to be changed, the procedures for carrying out that operation must be reviewed and modified as needed before the change is implemented.

Management of change

87. (1) Management of change procedures must be put in place for all technological and organizational changes, whether temporary or permanent, that could increase the likelihood of an ignition or a security incident.

Approval of change

(2) Each change must be assessed and approved by the holder of the division 1 factory licence before it is made.

Record

(3) A record of each change must be kept for two years after the date on which the change is made.

Security plan

88. (1) If a security plan was included in the application for a division 1 factory licence or a satellite site certificate, it must be implemented and a copy of the plan must be kept at the factory or satellite site.

Change of circumstance

(2) The security plan must be updated to reflect any change in circumstances that could adversely affect the security of the factory or satellite site. A copy of the updated plan must be kept at the site and another copy must be sent to the Chief Inspector of Explosives as soon as the circumstances permit.

Copy

(3) A copy of the most recent version of the plan must be made available to the people who are responsible for implementing it.

Audits

89. (1) All operating procedures must be routinely audited. Every audit must include the following verifications:

(a) whether facilities and equipment are being operated and maintained in a manner that ensures the security of the site and minimizes the likelihood of harm to people and property; and

(b) whether these Regulations and the terms and conditions of the licence and any satellite site certificate are being complied with.

Corrections

(2) Any deficiency found during an audit must be corrected as soon as the circumstances permit.

Record

(3) A record of each audit must be made and the record must include a copy of the action plan to correct any deficiencies found and set out the corrections made. It must be kept for two years after the date on which the audit is conducted.

Audit procedure

(4) A procedure must be put in place to ensure that the audits are conducted in a complete and timely manner.

Records

90. (1) A record of each explosive in the factory or at a satellite site (including any explosive that is used as raw material) must be kept for two years after the date on which the record is made. It must set out, for each explosive,

(a) the trade name and a short description of the explosive and its properties;

(b) if the explosive was received, the quantity received and the date of reception;

(c) if the explosive was used to manufacture another explosive, the quantity used and the date of use;

(d) if the explosive was manufactured at the factory or a satellite site, the quantity manufactured and the date of manufacture;

(e) if the explosive was stored, the quantity stored, the magazine in which it was stored and the dates on which it was placed in and removed from the magazine;

(f) if the explosive was shipped from the factory or a satellite site, the quantity shipped, the date of shipment and the name and address of the person to whom it was shipped; and

(g) if the explosive was destroyed at the factory, the quantity destroyed and the date of destruction.

Inventory control systems

(2) Any system used for inventory control or tracking of an explosive must not increase the likelihood of an ignition.

Copy — licence and certificates

91. (1) A copy of the division 1 factory licence and all documents referred to in the licence must be kept at the factory. A copy of the satellite site certificate and all documents referred to in the certificate must be kept at each satellite site.

Copy — this Division

(2) A copy of this Division must be made available to workers at the factory and each satellite site.

Copy — operating procedures

(3) A copy of the operating procedures for each process unit, factory magazine and transport unit must be kept in the unit or magazine to which they relate and must be made available to the workers.

Mobile Process Units

Responsibilities of licence holder

92. A holder of a division 1 factory licence must ensure that the mobile process unit requirements set out in sections 93 to 100 are met at the factory and, if they also hold a satellite site certificate, at each satellite site.

Structural requirements

93. (1) Every mobile process unit must be designed and constructed to conform to good engineering practices. It must be constructed in a manner that prevents the accumulation of explosives or raw material in cracks and cavities and that minimizes the harm to people and property that could result from an ignition of the explosives or raw material. The construction materials must be compatible with the explosives to be manufactured and transported and with the raw material to be used.

Means of escape

(2) Every mobile process unit must have a means of escape that will permit all people in the unit to leave it quickly and easily in an emergency.

Equipment

(3) All tools, equipment, hoses and hydraulic systems in or on a mobile process unit must be designed, constructed and installed to conform to good engineering practices.

Compatibility

(4) Every thing that is in or on a mobile process unit must be made from materials that are compatible with the explosives and raw material with which they could come into contact during manufacturing operations.

Control of safety-critical parameters

(5) All equipment designed to control safety-critical parameters on pumps, and on other process equipment that puts energy into explosives, must be installed and maintained in good condition so that the equipment operates while the pumps and process equipment are in use.

Foreign matter

94. (1) If the likelihood of an ignition could be increased as a result of foreign matter (for example, bolts, gravel or grit) being present in or mixed with any raw material, or explosive used as raw material, the material must be carefully examined and passed through a sieve or treated to remove or exclude the foreign matter before manufacturing operations begin.

Loading and unloading

(2) Explosives and raw material must not be loaded into or unloaded from a mobile process unit except at the factory or a satellite site or at a client site specified in the division 1 factory licence or satellite site certificate. However, in the case of a mechanical breakdown, unloading may be carried out at the location of the breakdown if the Minister of Natural Resources is notified of the breakdown and determines that precautions that minimize the likelihood of ignition have been taken.

Loaded units to be attended

(3) A mobile process unit that contains explosives must be attended in person except when it is at the factory or a satellite site.

Storage — contaminated units

(4) A mobile process unit that has not been decontaminated must be kept at the location specified in the licence or certificate.

Tanks and hoppers

(5) The explosives and raw material in the tanks and hoppers on a mobile process unit must be emptied if the unit will not be used for three consecutive days. However, the fuel oil tank does not have to be emptied.

Unit unused

95. (1) A mobile process unit must be decontaminated if it will not be used, or has not been used, for 30 consecutive days.

Removal from service

(2) A mobile process unit must be decontaminated before it is removed from service.

Decontamination

(3) All decontamination of a mobile process unit must be carried out at the factory specified in the division 1 factory licence. After decontamination, a unit must be inspected by a supervisor to verify that it no longer contains any explosives.

Destruction of waste

(4) All explosives waste and explosives-contaminated material must be destroyed in a manner that does not increase the likelihood of an accidental ignition during or after the destruction.

Operating procedures

96. (1) Operating procedures, including procedures to minimize the likelihood of an ignition, must be put in place for every manufacturing operation to be carried out in a mobile process unit.

Copy

(2) A copy of the operating procedures for each mobile process unit must be kept in the unit and must be made available to workers.

Process unit records

97. (1) A record must be made for each period during which a mobile process unit operates. The record

must be kept for two years after the date on which it is made and must include the following information:

- (a) the dates on which the period began and ended;
- (b) a short description of the explosives manufactured during the period and of their properties;
- (c) the quantity of explosives manufactured; and
- (d) the maintenance of and repairs to the unit, the dates on which the work was carried out and the name of the person who did the work.

Decontamination records

(2) A record must be made for each decontamination of equipment that is used in a mobile process unit. The record must describe the contamination and the means of decontamination and include the names of the workers who carried out the decontamination and the name of the supervisor who inspected the equipment after the decontamination. The record must be kept for two years after the date on which the equipment is disposed of.

Maintenance

98. (1) Every mobile process unit must be maintained in good operating condition.

Servicing during use

(2) Minor servicing of a mobile process unit may be done while it is in use if the following requirements are met:

- (a) the servicing is routine and integral to the use of the unit; and
- (b) the servicing is done by a competent person.

Work permit

(3) All other maintenance or repair work, if it is done at the factory, must be carried out by a competent person who has been issued a work permit by the licence holder.

Contents of work permit

(4) A work permit must set out the procedures to be followed during the maintenance or repair work and the measures that must be taken before, during and after the work to eliminate any possibility of an ignition.

Decontamination

(5) A mobile process unit must be decontaminated at the factory before it is taken outside the factory for maintenance or repair.

Work done outside factory

(6) If maintenance or repair work is done outside the factory on manufacturing equipment that is in or on a mobile process unit and whose malfunction could increase the likelihood of an ignition (for example, pumps or safety trips), it must be done by a competent person.

Repairs at site of breakdown

(7) In the case of a mechanical breakdown of a vehicle used as a mobile process unit, repairs to the vehicle may be done at the location of the breakdown without unloading the unit only if doing the repair work will not increase the likelihood of an ignition and the work is done by a competent person.

Unloading and towing

(8) If doing the repair work could increase the likelihood of ignition, the unit must be unloaded and towed to the factory for repair.

Note: Subsection 94(2) provides that unloading may be carried out at the location of a mechanical breakdown only if the Minister of Natural Resources has determined that precautions that minimize the likelihood of an ignition have been taken.

Logbook and work permits

(9) A logbook of all maintenance and repair work done to a mobile process unit, or to any manufacturing equipment in or on the unit whose malfunction could increase the likelihood of an ignition, must be kept for two years after the date on which the last entry is made. The work permits for the maintenance and repair work must also be kept for two years after the date on which the work is completed. The logbook and permits must be kept at the factory.

Progressive cavity pump logbook

(10) For each progressive cavity pump, a separate logbook that sets out the operating history of the pump and the maintenance and repair work done to it must be kept at the factory for the life of the pump.

Use at client site

99. (1) A mobile process unit may be used to manufacture explosives at a client site, but only if the unit and the site are both specified in the division 1 factory licence or satellite site certificate.

Manufacturing operations

(2) All manufacturing operations at a client site must be carried out by a competent person.

Precautions

(3) Before manufacturing operations begin, every one at the client site must be informed of the precautions that must be taken while dewatering, driving over loaded boreholes, handling charging hose and carrying out charging operations.

Hazards

(4) Any thing or activity that could increase the likelihood of an accidental ignition must not be allowed within 15 m of a mobile process unit and its charging hose.

Performance-diminishing substance

(5) A person must not be permitted to be within 15 m of a mobile process unit and its charging hose while the unit is operating if there are reasonable grounds to believe that the person is under the influence of or is carrying alcohol or another performance-diminishing substance. A person who has taken a prescription drug may be permitted to enter the area if they have medical proof that the drug is needed and will not impede their ability to function safely.

No smoking

(6) A person must not be permitted to smoke within 15 m of a mobile process unit and its charging hose.

Thunderstorms

(7) On the approach of a thunderstorm, if a mobile process unit is above ground at a client site, all manufacturing operations in the unit must be shut down and must remain shut down until the storm has passed. On the approach of a thunderstorm, all people in the vicinity of the unit must be immediately moved to a safe place and must not be permitted to return to the vicinity of the unit until the storm has passed.

Packaging at satellite or client site

100. (1) Bulk explosives that are manufactured in a mobile process unit may be packaged at a satellite or client site, but only if the explosives

- (a) have been removed to prepare the unit for decontamination;
- (b) are to be used as samples for laboratory analysis;
- (c) have been used to calibrate the process equipment; or
- (d) are to be used to charge boreholes that the unit cannot access during its operations at a blast site.

Packaging

(2) The packaging must prevent the explosives from leaking or spilling and minimize the likelihood of an accidental ignition.

Subdivision d

Requirements for Workers, Visitors and Other People

Factory and Satellite Site

Authorization to enter

101. (1) Before entering a factory or a satellite site, every worker who is not an employee and every visitor must obtain the authorization of the holder of the division 1 factory licence.

Visitors

(2) A visitor may enter any part of the factory or satellite site if they are at least 17 years old and are under the supervision of a competent person.

Performance-diminishing substance

(3) A worker or visitor who is under the influence of or is carrying alcohol or another performance-diminishing substance must not enter the site. However, a worker or visitor who has taken a prescription drug may enter if they have medical proof that they need the drug and that it will not impede their ability to carry out their functions or to visit safely.

Personal protective equipment

102. (1) Every worker and visitor at a factory or satellite site must wear the personal protective equipment, clothing and devices that are needed to protect them from the hazards to which they could be exposed.

Hair, clothing and accessories

(2) Every worker and visitor must confine or cover any loose hair and confine, cover or remove any loose clothing, jewellery or other accessories if the hair, clothing or accessories could increase the likelihood of an ignition or the likelihood of harm to the worker or visitor.

Electronic devices

(3) Every worker and visitor must deactivate any electronic device in their possession (for example, a cellphone or two-way radio) in any part of the factory or a satellite site where the device, if activated, could increase the likelihood of an ignition.

Precautions

103. (1) Every worker and visitor at a factory or satellite site must take the precautions that they are directed to take to minimize the likelihood of an accidental ignition.

No smoking

(2) Workers and visitors must not smoke at a factory or satellite site.

Worker qualifications

104. A worker at a factory or satellite site may carry out a task only if they

(a) have been trained in that task and understand the hazards to which they could be exposed;
or

(b) are at least 17 years old, participating in a training program and under the direct supervision of a competent person.

Client Sites

Performance-diminishing substance

105. (1) A person at a client site must not be within 15 m of an operating mobile process unit and its charging hose if they are under the influence of or are carrying alcohol or another performance-diminishing substance. However, a person who has taken a prescription drug may enter the area if they have medical proof that they need the drug and that it will not impede their ability to function safely.

No smoking

(2) A person at a client site must not smoke within 15 m of a mobile process unit and its charging hose.

Hazards

(3) A person at a client site must not be in possession of any thing, or carry out any activity, within 15 m of a mobile process unit and its charging hose if the thing or activity could increase the likelihood of an accidental ignition.

DIVISION 2

MANUFACTURING EXPLOSIVES UNDER A DIVISION 2 FACTORY LICENCE OR A MANUFACTURING CERTIFICATE

Interpretation

Definitions

106. The following definitions apply in this Division.

“competent person”
« *personne compétente* »

“competent person” means a person described in subsection 122(2).

“division 2 factory licence”
« *licence de fabrication de la section 2* »

“division 2 factory licence” means a licence that is issued by the Minister of Natural Resources under paragraph 7(1)(a) of the *Explosives Act* and authorizes a manufacturing activity referred to in subsection 83(2) at a workplace.

“manufacturing certificate”
« *certificat de fabrication* »

“manufacturing certificate” means a certificate that is issued by the Minister of Natural Resources under

paragraph 7(1)(c) of the *Explosives Act* and authorizes an activity referred to in section 107 at a workplace.

“worker”

« *travailleur* »

“worker” means a person who is at a workplace to carry out a manufacturing operation or some other kind of work (for example, maintenance of facilities or repair of equipment) for the holder of a division 2 factory licence.

“workplace”

« *lieu de travail* »

“workplace” means a building, room or area where an activity involving the manufacture of explosives, including their storage, is carried out.

Subdivision a

Authorized Activities

Authorized activities

107. A holder of a division 2 factory licence or manufacturing certificate may carry out any of the following activities that are specified in the licence or certificate at a workplace specified in the licence or certificate:

- (a) in the case of the owner of a surface mine or quarry, the blending of ammonium nitrate and fuel oil at a blast site at the mine or quarry;
- (b) the manufacture of small arms cartridges for sale, and the storage of up to 225 kg of explosives contained in the cartridges and up to 75 kg of propellant powder in bulk to be used in manufacturing the cartridges;
- (c) the manufacture of any explosives for the purpose of conducting an experiment, demonstration, test or analysis at a school, college, university or other learning institution or by a law enforcement or government agency and the storage of up to 5 kg of the manufactured explosives;
- (d) the manufacture of any explosives for the purpose of conducting an experiment, test or analysis by a private or commercial laboratory and the storage of up to 5 kg of the manufactured explosives;
- (e) the manufacture of consumer fireworks for personal use and the storage up to 25 kg of the manufactured fireworks;
- (f) the manufacture of display fireworks for personal use and the storage up to 25 kg of the manufactured fireworks;
- (g) the manufacture of rocket motors for personal use and the storage of up to 25 kg of manufactured rocket motors and propellant powder (combined quantity) to be used in manufacturing the motors;
- (h) the manufacture and storage of black powder charges for ceremonial use;
- (i) the preparation and storage of display fireworks at a location other than the site of the display;
- (j) the mixing of non-explosive components for the purpose of manufacturing industrial explosives at the site where they will be used;
- (k) the preparation and packaging of assortments of explosives for the purpose of sale by a person who does not hold a vendor magazine licence; or
- (l) any other activity relating to the manufacture and storage of explosives (for example, assembling a net-throwing device for sale, re-packing deteriorated explosives or destroying explosives).

Acquisition

108. (1) A holder of a manufacturing certificate may acquire an explosive if it is specified in the certificate and will be used to manufacture another explosive whose manufacture is authorized by the certificate.

Storage

(2) A holder of a division 2 factory licence or manufacturing certificate that authorizes the storage of an explosive must comply with the terms and conditions of the licence or certificate. The holder must also comply with the provisions that apply to storage in Parts 10 to 18. However, they are not required to

comply with those provisions if the explosive is stored at the workplace.

Sale

(3) A holder of a division 2 factory licence or manufacturing certificate that authorizes the manufacture of an explosive for sale may sell that explosive. The holder must comply with the terms and conditions of the licence or certificate and with the provisions that apply to sale in Parts 10 to 18.

Use

(4) A holder of a division 2 factory licence or manufacturing certificate that authorizes the manufacture of fireworks must comply with the provisions that apply to the use of fireworks in Parts 16 to 18.

Subdivision b

Application

Application for licence or certificate

109. (1) An applicant for a division 2 factory licence or a manufacturing certificate must complete, sign and send to the Chief Inspector of Explosives the application form provided by the Department of Natural Resources. The application must state whether the application is for a licence or a certificate and must include the following information:

- (a) the name, address, telephone number, fax number and email address of both the applicant and a contact person;
- (b) the type of explosive, and the quantity, to be manufactured or stored;
- (c) if the application is for a certificate, the period for which the certificate is requested;
- (d) a description of the workplace, all equipment in the workplace that is related to the manufacture of explosives and all protective barriers in the workplace;
- (e) a description of all equipment in the workplace that is not related to the manufacture of explosives, but could increase the likelihood of an ignition; and
- (f) the number of people authorized in the workplace when explosives are present.

Site and area plan

(2) The application must include a site and area plan that shows

- (a) the location of the workplace within any building or structure;
- (b) the topography of the workplace;
- (c) the location of the barriers and equipment described in paragraphs (1)(d) and (e); and
- (d) the distance in metres between the barriers and equipment described in paragraphs (1)(d) and (e).
- (e) the location of the workplace within the locality;
- (f) the area surrounding the site that is exposed to the hazards (for example, debris or blast effect) that could result from an ignition of the explosives to be manufactured or stored at the site;
- (g) each vulnerable place within that area; and
- (h) the distance in metres between the workplace and each vulnerable place.

Fees

(3) The applicant for a division 2 factory licence or a manufacturing certificate must pay the applicable fees set out in Part 19.

Subdivision c

Requirements for Holders

Workplace

Responsibilities of holder

110. A holder of a division 2 factory licence or a manufacturing certificate must ensure that the requirements relating to the workplace set out in sections 111 to 115 are met in the workplace.

Means of escape

111. (1) The workplace must have a means of escape that will permit all people in the workplace to leave it quickly and easily in an emergency.

Lighting, electrical and heating systems

(2) The lighting, electrical and heating systems that are used in the workplace must not increase the likelihood of an ignition.

Compatibility

112. (1) Every thing that is in a workplace must be made from materials that are compatible with the explosives and raw material in the workplace.

Incompatible things

(2) However, a thing that is not compatible with an explosive or raw material in the workplace but is required for manufacturing may be brought to the workplace for immediate use. It must be removed as soon as the circumstances permit after its use, unless the division 2 factory licence or manufacturing certificate authorizes its storage in the workplace.

Open-flame device

(3) An open-flame device or open-element electrical appliance must not be stored in a part of the workplace where explosives are being manufactured.

Activities prohibited

113. (1) When explosives are being manufactured or stored at a workplace, no other activities may be carried out there.

Competent person

(2) All manufacturing operations at the workplace must be carried out by a competent person.

Condition of workplace

(3) The workplace must be kept clean, dry and organized. Any spill of explosives, raw material or other material must be cleaned up as soon as the circumstances permit to eliminate any possibility of an ignition.

Foreign matter

(4) If the likelihood of an ignition could be increased as a result of foreign matter (for example, bolts, gravel or grit) being present in or mixed with any raw material, or explosive used as raw material, the material must be carefully examined and passed through a sieve or treated to remove or exclude the foreign matter before manufacturing begins.

Containers

(5) All raw material, explosive substances and explosives waste must be kept in closed containers that prevent spills and contamination. The contents of each container must be clearly identified on a label attached to the container.

Disposal of waste and contaminated material

(6) All explosives waste and explosives-contaminated material must be destroyed in a manner that does not increase the likelihood of an accidental ignition during or after the destruction.

Removal of explosives

(7) Unless the division 2 factory licence or manufacturing certificate provides otherwise, explosives must be removed as soon as the circumstances permit after they are manufactured from the part of the workplace where they were manufactured to the part of the workplace where they will be stored.

Decontamination

(8) A workplace that is no longer being used to manufacture explosives must be decontaminated as soon as the circumstances permit. Contaminated equipment at the workplace must be decontaminated before it is removed.

Thunderstorms

(9) On the approach of and during a thunderstorm, all manufacturing operations in the workplace must be shut down and all people in the workplace must be immediately moved to a safe place and prevented from returning until the storm has passed.

Maintenance

114. (1) Maintenance and repair work done at or to a workplace, or to equipment in it, must be carried out by a competent person.

Hazardous work

(2) Any work that involves the use of a device that produces heat, flame or sparks or involves grinding

or impact must be done in a manner that does not increase the likelihood of an ignition.

Warning sign

115. A sign that warns against unauthorized entry must be posted at each entrance to the workplace.

Packaging

Responsibilities of holder

116. A holder of a division 2 factory licence or a manufacturing certificate must ensure that the packaging requirements set out in section 117 are met at the workplace.

Information displayed on explosives

117. (1) The following information must be legibly printed on each explosive that is manufactured in the workshop, or if that is not possible, on a label affixed to the explosive or, if even that is not possible, on the packaging containing the explosive or a label affixed to its packaging:

- (a) the trade name of the explosive and the name and address of the person who obtained its authorization;
- (b) the date on which the explosive was manufactured and, if the manufacturer carries out manufacturing operations in shifts, the shift during which it was manufactured; and
- (c) instructions, in both English and French, for its safe handling, storage, use and destruction.

Information on packaging

(2) The following information must be legibly printed on the packaging containing the explosive or on a label affixed to its packaging:

- (a) the words "Explosives/Explosifs", "Fireworks/Pièces pyrotechniques", "Pyrotechnics/Pièces pyrotechniques" or "Reloaded Cartridges/Cartouches rechargées", as the case may be, on the outer packaging and any inner packaging; and
- (b) the trade name and classification of the explosive and the name and address of the person who obtained its authorization on the outer packaging.

Safety of Persons at the Workplace

Responsibilities of holder

118. A holder of a division 2 factory licence or a manufacturing certificate must ensure that the requirements relating to personal safety set out in sections 119 and 120 are met at the workplace.

Supervision

119. Every person at a workplace, other than a worker, must be kept under the direct supervision of a competent person at all times.

Personal protective equipment

120. (1) Every person at a workplace must be required to wear the personal protective equipment, clothing and devices that are needed to protect them from the hazards to which they could be exposed.

Hair, clothing and accessories

(2) Every person at a workplace must be required to confine or cover any loose hair and to confine, cover or remove any loose clothing, jewellery or other accessories if the hair, clothing or accessories could increase the likelihood of an ignition or the likelihood of harm to the person.

Electronic devices

(3) Every person at a workplace must be required to deactivate any electronic device in their possession (for example, a cellphone or two-way radio) in any part of the workplace where the device, if activated, could increase the likelihood of an ignition.

Performance-diminishing substance

(4) A person must not be authorized to enter the workplace if there are reasonable grounds to believe that they are under the influence of or are carrying alcohol or another performance-diminishing substance. However, a person who has taken a prescription drug may be authorized to enter if they have medical proof that the drug is needed and that it will not impede their ability to function safely.

No smoking

(5) Smoking must be prohibited in the workplace.

No fire-producing devices

(6) Fire-producing devices (for example, matches and lighters) must not be permitted in the workplace unless they are authorized by the division 2 factory licence or manufacturing certificate.

Knowledge of the Workplace

Responsibilities of certificate holder

121. A holder of a division 2 factory licence or a manufacturing certificate must ensure that the training requirements set out in sections 122 and 123 are met at the workplace.

Qualifications

122. (1) A person must not be permitted to manufacture explosives at a workplace unless they meet the following requirements:

- (a) they are a competent person; or
- (b) they are at least 17 years old, participating in a training program and under the direct supervision of a competent person.

Competent person

(2) A competent person is a person who meets the following requirements:

- (a) they are at least 18 years old; and
- (b) the holder of the division 2 licence or manufacturing certificate believes on reasonable grounds that the person understands the hazards to which they could be exposed in the workplace and is competent to carry out their duties in a manner that is safe and lawful and ensures the security of the workplace.

Record

123. A training record and a record of work experience must be kept for each worker for two years after the date on which it is made.

Knowledge

124. A holder of a division 2 factory licence or manufacturing certificate must have knowledge of the following matters and must ensure that these matters are communicated to the workers at the workplace:

- (a) the provisions of the *Explosives Act* and these Regulations;
- (b) the terms and conditions of the licence or certificate, including the maximum quantity of explosives and raw material and the maximum number of people authorized to be in the workplace at any one time;
- (c) all safety rules respecting the manufacture of explosives at the workplace;
- (d) the personal protective equipment that is needed to protect people from the hazards to which they could be exposed;
- (e) all emergency plans for the workplace, including the evacuation plan;
- (f) the hazards of, and safe handling practices for, the explosives and raw material at the workplace;
- (g) the precautions that must be taken to minimize the likelihood of harm to people and property during manufacturing operations, including harm resulting from chemical incompatibility;
- (h) the operation of the equipment at the workplace;
- (i) the maintenance and repair of the equipment, including decontamination; and
- (j) procedures for inspecting the workplace or equipment after maintenance and repair work has been done.

Management of the Workplace

Responsibilities of holder

125. A holder of a division 2 factory licence or a manufacturing certificate must ensure that the management requirements set out in sections 126 to 128 are met at the workplace.

Operating procedures

126. Operating procedures must be put in place for each of the following:

- (a) every activity specified in the division 2 factory licence or manufacturing certificate;
- (b) the destruction of explosives, explosives waste and explosives-contaminated material;

- (c) the management of spills and their clean-up;
- (d) the response to emergency situations;
- (e) the decontamination of the workplace and all tools and equipment.

Records

127. A record of each explosive in the workplace (including any explosive that is used as raw material) must be kept for two years after the date on which the record is made. It must set out, for each explosive,

- (a) the trade name and a short description of the explosive and its properties;
- (b) if the explosive was received, the quantity received and the date of reception;
- (c) if the explosive was used to manufacture an explosive, the quantity used and the date of use;
- (d) if the explosive was manufactured in the workplace, the quantity manufactured and the date of manufacture;
- (e) if the explosive was stored, the quantity stored, the place in which it was stored and the dates on which it was placed in and removed from storage;
- (f) if the explosive was shipped from the workplace, the quantity shipped, the date of shipment and the address of the person to whom it was shipped; and
- (g) if the explosive was destroyed at the workplace, the quantity destroyed and the date of destruction.

Copy — licence or certificate

128. (1) A copy of the division 2 factory licence or the manufacturing certificate and all documents that are referred to in the licence or certificate must be kept at the workplace.

Copy — Division 2

- (2) A copy of this Division must be made available to workers at the workplace.

Subdivision d

Requirements for Persons at a Workplace

Visitors

129. (1) Before entering, a visitor to a workplace must obtain the permission of the holder of the division 2 factory licence or manufacturing certificate. They must remain under the supervision of a competent person at all times.

Performance-diminishing substance

(2) A person must not enter a workplace if they are under the influence of or are carrying alcohol or another performance-diminishing substance. However, a person who has taken a prescription drug may enter if they have medical proof that they need the drug and that it will not impede their ability to function safely.

Personal protective equipment

130. (1) Every person at a workplace must wear the personal protective equipment, clothing and devices that are needed to protect them from the hazards to which they could be exposed.

Hair, clothing and accessories

(2) Every person at a workplace must confine or cover any loose hair and confine, cover or remove any loose clothing, jewellery or other accessories if the hair, clothing or accessories could increase the likelihood of an ignition or the likelihood of harm to the person.

Electronic devices

(3) Every person must deactivate any electronic device in their possession (for example, a cellphone or two-way radio) in any part of the workplace where the device, if activated, could increase the likelihood of an ignition.

No smoking

- 131.** A person must not smoke at a workplace.

Qualifications

- 132.** (1) A person must not manufacture explosives at a workplace unless they meet the following

requirements:

- (a) they are a competent person; or
- (b) they are at least 17 years old, participating in a training program and under the direct supervision of a competent person.

Other tasks

(2) A person must not carry out a task at a workplace unless they have been trained in that task and understand the hazards to which they could be exposed. They must take the precautions that they are directed to take to minimize the likelihood of an accidental ignition.

DIVISION 3

MANUFACTURING THAT DOES NOT REQUIRE A LICENCE OR CERTIFICATE

Restriction

133. A person who manufactures an explosive under the authority of this Division must comply with Parts 10 to 18.

Experiments

134. (1) A school, college, university or other learning institution, or a law enforcement or government agency, that complies with subsection (2) may manufacture up to 50 g of explosives for the purposes of an experiment, demonstration, test or analysis.

Requirements

(2) The institution or agency must ensure that the following requirements are met:

- (a) the manufacturing must be carried out with the consent of the management of the institution or agency by one of its employees or by a person who is at all times under the direct supervision of an employee;
- (b) the employee must know how to carry out the manufacturing in a manner that minimizes the likelihood of harm to people and property and be aware of the precautions that must be taken to minimize the likelihood of harm to people and property;
- (c) every person who carries out the manufacturing must be at least 18 years old;
- (d) precautions that will eliminate any possibility of an accidental ignition must be taken;
- (e) explosives must not be removed from the location where they are manufactured except for the purpose of destroying them; and
- (f) all explosives must be destroyed in a manner that does not increase the likelihood of an accidental ignition during or after the destruction.

Assembling explosives for use

135. (1) A person who complies with subsection (2) may assemble explosives by combining explosive articles (for example, a detonator with a booster, a detonating cord with an explosive cartridge or fireworks with fireworks accessories) at the place where the explosives will be used.

Requirements

(2) The person who carries out the activity must ensure that the following requirements are met:

- (a) the explosive articles must be on the list of authorized explosives referred to in subsection 41(1);
- (b) the explosive articles must not be altered, except that cartridges may be cut or slit and detonating cord and fuses may be cut or trimmed; and
- (c) precautions that minimize the likelihood of an accidental ignition must be taken.

Underground activities

136. (1) A person who complies with subsection (2) may carry out any of the following activities underground at an underground mine or underground construction project:

- (a) pneumatically transferring explosives;
- (b) pumping, thickening or gassing either emulsion explosives or water gel explosives while charging boreholes; or
- (c) blending emulsion explosives or water gel explosives with ammonium nitrate or ammonium

nitrate/fuel oil mixtures while charging boreholes.

Requirements

(2) The person who carries out the activity must ensure that the following requirements are met:

- (a) the explosives must be on the list of authorized explosives referred to in subsection 41(1);
- (b) the equipment used to pump, thicken, gas or blend emulsion explosives or water gel explosives must be designed to minimize the likelihood of an ignition, including an ignition resulting from pumping against a blocked outlet or from running the pump without any feed;
- (c) all progressive cavity pumps must be equipped with at least two independent safety shutdown systems to prevent an excessive rise in temperature;
- (d) if the person is assisted by another person, the other person must be trained to operate the equipment;
- (e) a preventive maintenance procedure must be put in place for the equipment, including the pumps;
- (f) maintenance must be performed by workers who are knowledgeable about the equipment to be maintained; and
- (g) precautions that minimize the likelihood of an ignition must be taken.

Pneumatic transfer of explosives

137. (1) A person who complies with subsection (2) may pneumatically transfer explosives at a surface mine or a quarry.

Requirements

(2) The person who carries out the activity must ensure that the following requirements are met:

- (a) the explosives must be on the list of authorized explosives referred to in subsection 41(1);
- (b) the device used for pneumatic charging must have a maximum capacity of 100 kg and the explosives used in the pneumatic charging must be in bags, each with a maximum capacity of 30 kg; and
- (c) precautions that minimize the likelihood of an ignition must be taken.

Multi-ingredient kits

138. (1) A person who complies with subsection (2) may mix together the ingredients of a multi-ingredient kit.

Requirements

(2) The person who carries out the activity must ensure that the following requirements are met:

- (a) the kit must be on the list of authorized explosives referred to in subsection 41(1);
- (b) the mixing must be carried out at the place where the explosive to be manufactured will be used;
- (c) precautions that minimize the likelihood of an ignition must be taken;
- (d) if the explosive to be manufactured is classified as type F.3, the person mixing the ingredients must hold a fireworks operator certificate — pyrotechnician; and
- (e) if the explosive to be manufactured is a special purpose explosive, the person mixing the ingredients must hold a fireworks operator certificate — pyrotechnician or a licence issued under the *Firearms Act*.

Note: Section 10 provides that a person must be at least 18 years old to carry out an activity involving an explosive.

Spills or accidents

139. (1) A person who complies with subsection (2) may remove explosives from, or repackage explosives at, the site of an accident or spill.

Requirements

(2) The person who carries out the activity must ensure that the following requirements are met:

- (a) precautions that minimize the likelihood of an ignition must be taken;

(b) any packaging used must prevent the explosives involved from leaking or spilling and minimize the likelihood of an accidental ignition; and

(c) the Chief Inspector of Explosives must be notified of the accident or spill within 12 hours after the removal or repackaging begins.

Emergency response assistance plan

140. (1) A person who complies with subsection (2) may pump explosives numbered UN 0332 and classified as Class 1.5 Compatibility Group D under the *Transportation of Dangerous Goods Regulations* in activating an emergency response assistance plan approved by the Minister of Transport under the *Transportation of Dangerous Goods Act, 1992*.

Requirements

(2) The person who carries out the activity must ensure that the following requirements are met:

(a) written permission must be obtained from a holder of a division 1 factory licence that authorizes the manufacture of bulk explosives to store the pumped explosives at the holder's factory and to decontaminate the pumping equipment there;

(b) an air-powered diaphragm pump that is safe for pumping the explosives must be used;

(c) the explosives and contaminated equipment must be stored at the factory; and

(d) a copy of the follow-up report that is required under section 8.3 of the *Transportation of Dangerous Goods Regulations* must be submitted to the Chief Inspector of Explosives within 30 days after the date on which the explosives are pumped.

Industrial explosives

141. (1) A person who complies with subsection (2) may destroy deteriorated, expired or misfired industrial explosives by placing them in a borehole with other explosives and igniting the other explosives.

Requirements

(2) The person who carries out the activity must ensure that the following requirements are met:

(a) the explosives to be destroyed and the other explosives must have similar properties (for example, similar density and propensity to detonate); and

(b) the presence of the other explosives at the time of the ignition must not increase the likelihood of harm to people or property.

Destruction

142. A government or law enforcement agency (for example, a police explosives disposal unit) may break up, unmake or destroy an explosive if it does so in the course of its duties.

PART 6

MAGAZINE LICENCES AND STORAGE IN A LICENSED MAGAZINE

Overview

143. This Part sets out how to obtain a vendor magazine licence, a user magazine licence or a user magazine zone licence. It also sets out the rules applicable to holders of these licences.

Definitions

144. The following definitions apply in this Part.

"distribution establishment"

« *établissement de distribution* »

"distribution establishment" means an establishment where explosives are stored for sale to distributors and retailers, whether or not they sell to users.

"magazine site"

« *site de poudrière* »

"magazine site" means the area, including any building or structure, that is used in connection with the storage of explosives in a magazine.

"retail establishment"

« *établissement de vente au détail* »

"retail establishment" means an establishment where are stored for sale that is not a distribution establishment.

"user magazine licence"

« *licence de poudrière (utilisateur)* »

“user magazine licence” means a licence that is issued under paragraph 7(1)(a) of the *Explosives Act* and that authorizes the storage of explosives by a person who has acquired them for use.

“user magazine zone licence”

« *licence de poudrière (utilisateur-zone)* »

“user magazine zone licence” means a licence that is issued under paragraph 7(1)(a) of the *Explosives Act* and that authorizes the storage of type E or I explosives by a person who has acquired them for use. It also authorizes the holder to move the magazine from one site to another.

“vendor magazine licence”

« *licence de poudrière (vendeur)* »

“vendor magazine licence” means a licence that is issued under paragraph 7(1)(a) of the *Explosives Act* and that authorizes the storage of explosives by a person who has acquired them for sale or for sale and use.

APPLICATION

Application for magazine licence

145. (1) An applicant for a magazine licence must complete, sign and send to the Chief Inspector of Explosives the application form provided by the Department of Natural Resources. The application must state whether a vendor magazine licence, a user magazine licence or a user magazine zone licence is requested and must include the following information:

- (a) the name, address, telephone number, fax number and email address of both the applicant and a contact person;
- (b) the address and geographical coordinates of the magazine site;
- (c) the number of magazines for which the licence is requested;
- (d) the quantity of each type of explosive to be stored in each magazine;
- (e) if the application is for a vendor magazine licence, an indication of whether the site will be a retail establishment or a distribution establishment; and
- (f) if the site will be a distribution establishment, an indication of whether explosives will be repackaged there.

Site plan

(2) The application must include the following documents:

- (a) a plan of the magazine site that shows
 - (i) the location of each magazine and each Terms preceded by an asterisk are defined in section 6. Les termes précédés d'un astérisque sont définis à l'article 6. vulnerable place at the site as well as the location of each vulnerable place outside the site that is exposed to the hazards (for example, debris or blast effect) that could result from ignition of the explosives to be stored at the site, and
 - (ii) the distance in metres between each magazine at the site, between each magazine and each vulnerable place at the site as well as between each magazine at the site and each vulnerable place outside the site that is exposed to the hazards (for example, debris or blast effect) that could result from ignition of the explosives to be stored at the site; and
- (b) if one or more magazines occupies only a part of a building or structure, a drawing that shows the location of each magazine in the building or structure and the location of each entrance to and exit from the room or area in which each magazine is located and to which the public has access.

Site description

(3) The application must include the following information about the site:

- (a) a description of the proposed use of the site and the proposed use of each building and structure at the site;
- (b) the distance in metres between each magazine and any potential source of ignition at the site;
- (c) the distance in metres between each magazine at the site, between each magazine and each vulnerable place at the site as well as between each magazine at the site and each vulnerable place outside the site that is exposed to the hazards (for example, debris or blast effect) that could result from ignition of the explosives to be stored at the site;

(d) the minimum distance in metres that must be maintained between each magazine at the site and each vulnerable place shown on the site plan, as set out in the *Quantity Distance Principles – User’s Manual*, 1995, published by the Explosives Regulatory Division, Department of Natural Resources;

(e) a description of the safety and security features of the site (for example, signs, alarm systems, barriers, fencing and berms); and

(f) for each magazine at the site,

(i) the tag number, if any, issued by the Explosives Regulatory Division, Department of Natural Resources,

(ii) the applicable magazine type number, as set out in the *Storage Standards for Industrial Explosives*, May 2001, published by the Explosives Regulatory Division, Department of Natural Resources or, if the magazine does not correspond to any of those types, its specifications, including its construction materials and its safety and security features, and

(iii) its internal dimensions (length, width and height) in metres to the nearest 0.1 m.

Fire safety plan

(4) The application must include a fire safety plan that sets out

(a) the measures to be taken to minimize the likelihood of a fire at the site and to control the spread of any fire;

(b) the emergency procedures to be followed in case of a fire, including

(i) activation of the alarms,

(ii) notification of the fire department, and

(iii) evacuation procedures, including evacuation routes and safe assembly places,

(c) the circumstances in which a fire should or should not be fought and a procedure for determining whether a fire should be fought; and

(d) the measures to be taken to train employees in the measures, procedures and circumstances described in the plan.

Site security plan

(5) If type E, I or D explosives are to be stored at the site, the application must include a security plan that sets out

(a) an assessment of the security risks resulting from the presence of explosives at the site;

(b) a description of the measures to be taken to minimize those risks;

(c) a description of the procedures to be followed in response to security incidents; and

(d) a description of the procedures to be followed to report security incidents.

Marine flare destruction plan

(6) If the site is a distribution establishment at which marine flares (type S.1 or S.2) are to be stored, the application must include a plan for destroying expired marine flares that are returned to the site. The plan must set out where and how the marine flares will be stored and destroyed.

Identifier

(7) Every magazine and vulnerable place that is shown on a site plan must be identified by a number, letter or distinctive name, which must be used to identify the magazine or vulnerable place on the site plan and in the site description.

Scale drawing

(8) Every drawing or plan must be drawn to scale or be a reasonable approximation of actual distances and dimensions and must include a legend.

Initial site

(9) If the application is for a user magazine zone licence, the requirements of subsections (1) to (8) apply to the initial magazine site.

Fees

(10) An applicant for a magazine licence must pay the applicable fees set out in Part 19.

REQUIREMENTS FOR HOLDERS OF MAGAZINE LICENCES

Responsibilities of licence holder

146. A holder of a magazine licence must ensure that the requirements of sections 147 to 160 are met and that the people referred to in section 161 are aware of their obligations under that section.

Acceptable distance requirement

147. (1) Every magazine must be located at an acceptable distance from surrounding structures, infrastructure and places where people are likely to be present.

Criteria — acceptable distance

(2) In the case of a vendor magazine licence and a user magazine licence, acceptable distance is determined by the Minister of Natural Resources on the basis of risk of harm to people or property, taking into account the quantity and type of explosives to be stored in the magazine, the strength, proximity and use of surrounding structures and infrastructure and the number of people likely to be in the vicinity of the magazine at any one time.

Criterion — user magazine zone licence

(3) In the case of a user magazine zone licence, acceptable distance is the minimum distance in metres to be maintained between each magazine at the site and each vulnerable place shown on the site plan, as set out in the *Quantity Distance Principles — User's Manual*, 1995, published by the Explosives Regulatory Division, Department of Natural Resources.

Structural requirements

148. Every magazine must be constructed and maintained so that it is well-ventilated and resistant to theft, weather and fire. A magazine for the storage of explosives that are classified as hazard category PE 1 must also be bullet-resistant, unless the magazine licence specifies otherwise.

Authorized storage

149. (1) An explosive may be stored in a magazine only if the licence authorizes the storage of that explosive in that magazine.

Other materials and equipment

(2) Materials and equipment may be brought into or stored in a magazine only if they are required for operations, including handling explosives, in the magazine and they do not increase the likelihood of an ignition.

Stacking

150. (1) Packages and containers of explosives must be stacked so that they will not fall over, collapse or be deformed, torn or crushed. They must not be stacked higher than the stacking line for the magazine.

Prohibited use of packages

(2) Packages and containers of explosives must not be used as supports for conveyors or ramps.

Air circulation

(3) There must be enough space between the stacks of explosives, the walls, the ceiling and the ventilation openings to permit air circulation.

Opening packages

(4) Packages or containers that are made from wood or have metal fasteners or strapping must not be opened in a magazine. Other packages or containers may be opened in a magazine for inspection or to remove explosives, but they must be opened one at a time.

Opened packages

(5) Any package or container of explosives that has been opened outside a magazine must be dry, clean and free of grit and other contamination before it is taken into the magazine.

Fire prevention

151. (1) Precautions must be taken that minimize the likelihood of fire in or near a magazine.

No smoking

(2) Smoking must be prohibited in a magazine.

Thunderstorms

(3) On the approach of a thunderstorm, all people in a magazine must be immediately moved to a safe place and prevented from returning until the storm passes.

Prohibited activities

152. The following activities must not be carried out inside a magazine unless the magazine licence authorizes them to be carried out there:

- (a) packing or repacking explosives;
- (b) adding a detonator to, or inserting a detonator in, an explosive;
- (c) assembling explosive components;
- (d) uncoiling the leg wires of, or removing the shunt from, an electric detonator or an electric initiator;
- (e) opening a package or container of explosives to expose an explosive substance; or
- (f) stripping, cutting or slitting the wrapping of an explosive article to expose an explosive substance.

Unlocked magazine

153. (1) A magazine must be attended when it is unlocked.

Key control plan

(2) A key control plan that includes the following requirements must be put in place for each magazine:

- (a) every key to the magazine must be numbered;
- (b) a person may have possession of a key to the magazine only if they are named in the plan;
- (c) the number of people named in the plan must not exceed the number necessary for the operation of the magazine;
- (d) the lock on the magazine must be of a type for which keys can be obtained only from the lock's manufacturer or a certified locksmith designated by the manufacturer; and
- (e) each key must be kept in a locked and secure location when it is not in the possession of a person named in the plan.

Change of circumstances

(3) The plan must be updated to reflect any change in circumstances that could adversely affect the security of the magazine site.

Lost or stolen key

(4) If a key is lost or stolen, the lock must be immediately replaced.

Fire safety plan

154. (1) A copy of the fire safety plan included in the licence application must be sent to the local fire department and made available to employees.

Change of circumstances

(2) The plan must be updated to reflect any change in circumstances that could adversely affect the safety of the site. A copy of the updated plan must be sent to the local fire department as soon as the circumstances permit.

Site security plan

155. (1) If a site security plan is included in the licence application, it must be implemented.

Change of circumstances

(2) The plan must be updated to reflect any change in circumstances that could adversely affect the security of the magazine site. A copy of the updated plan must be sent to the Chief Inspector of Explosives as soon as the circumstances permit.

Copy of plan

(3) A copy of the most recent version of the plan must be made available to the people who are responsible for implementing it.

Storage record

156. A record for each magazine must be kept for two years after the date on which it is made. The record must include

- (a) each type of explosive that is stored;
- (b) the quantity of each type of explosive that is stored; and
- (c) the dates on which each explosive was placed in and removed from the magazine.

Maintenance of magazine

157. (1) A magazine must be kept clean, dry and organized. Any spill, leakage or other contamination must be cleaned up immediately.

Combustible material

(2) A magazine must be kept free of grit, combustible or abrasive material, any fire-producing, spark-producing or flame-producing device and any substance that might spontaneously combust.

Lighting, electrical fixtures and wiring

(3) The lighting (including portable lighting), electrical fixtures and wiring systems that are used in a magazine must not increase the likelihood of an ignition. All portable lighting must be impact-resistant.

Repairs to magazine

158. (1) Before any repair work that could increase the likelihood of an ignition begins in or on a magazine, the explosives in the magazine must be either

- (a) put into another magazine; or
- (b) taken to a location where the presence of the explosives will not increase the likelihood of harm to people or property, the explosives are protected from weather and the repair work will not cause an ignition.

Attending explosives

(2) Any explosives that are not put into another magazine must be attended.

Putting explosives back

(3) Explosives must not be returned to a magazine until the repairs to the magazine no longer increase the likelihood of an ignition.

Interior sign

159. A sign that indicates the type of explosives, and the maximum quantity of each type, that may be stored in the magazine, as specified in the licence, must be posted inside every magazine in a clearly visible location.

Deteriorated explosives

160. (1) The explosives in a magazine must be checked regularly for signs of deterioration and to ensure that the manufacturer's expiry date has not passed.

Marking

(2) Every deteriorated, expired or misfired explosive must be clearly marked "Deteriorated/Détérioré", "Expired/Périmé" or "Misfired/Raté", as the case may be.

Destruction of deteriorated, expired or misfired explosives

(3) Explosives that have deteriorated, expired or misfired must be safely destroyed as soon as the circumstances permit. However, explosives that have deteriorated to the extent that they are unstable or in a very dangerous condition must be destroyed immediately in a manner that does not increase the likelihood of an accidental ignition during or after the destruction.

Authorization required

(4) Subsection (3) does not authorize a person to destroy deteriorated, expired or misfired explosives. The destruction must be authorized by these Regulations or otherwise under the *Explosives Act*.

Storage until destruction — normal hazard

(5) A deteriorated, expired or misfired explosive may be stored in a magazine with other compatible explosives if the storage would not increase the likelihood of an ignition.

Storage until destruction — more than normal hazard

(6) A deteriorated, expired or misfired explosive must be stored in a magazine that does not contain other explosives if storing it with other explosives could increase the likelihood of an ignition.

Person in possession of key

161. A person who is in possession of a key that is subject to a key control plan referred to in subsection 153(2) must not duplicate the key. After using it, the person must return the key to a locked

location to which access is controlled.

REQUIREMENTS FOR HOLDERS OF USER MAGAZINE ZONE LICENCES

Notice of change of location

162. (1) When a magazine that is authorized by a user magazine zone licence is moved to a new site, within 24 hours after the move the holder of the licence must complete, sign and send a notice of change of location, in the form provided by the Department of Natural Resources, to the Minister of Natural Resources, to the police force in the locality of the previous site and to the police force in the locality of the new site. The notice must be dated and must include the following information:

- (a) the name, address, telephone and cellphone number, fax number and email address of both the licence holder and a contact person;
- (b) the holder's licence number and its expiry date;
- (c) the name, telephone number and cellphone number of the person who is responsible for the new site;
- (d) the date on which the magazine was moved to the new site;
- (e) the geographic coordinates of the previous and new sites;
- (f) the directions by road to the new site;
- (g) the safety and security features of the new site (for example, signs, alarm systems, barriers, fencing and berms); and
- (h) a list of the magazines that were moved that sets out, for each magazine,
 - (i) its number, letter or distinctive name as shown on the initial magazine site plan,
 - (ii) its tag number, if any,
 - (iii) the applicable magazine type number, as set out in the *Storage Standards for Industrial Explosives*, May 2001, published by the Explosives Regulatory Division, Department of Natural Resources, and
 - (iv) each type of explosive, and the quantity of each type, to be stored.

Site plan

(2) The notice must include a site plan that shows

- (a) the location of each magazine and each vulnerable place at the site as well as the location of each vulnerable place outside the site that is exposed to the hazards (for example, debris or blast effect) that could result from ignition of the explosives to be stored;
- (b) the distance in metres between each magazine at the site, between each magazine and each vulnerable place at the site as well as between each magazine at the site and each vulnerable place outside the site that is exposed to the hazards (for example, debris or blast effect) that could result from ignition of the explosives to be stored at the site; and
- (c) the minimum distance in metres to be maintained between each magazine at the site and each vulnerable place shown on the site plan, as set out in the *Quantity Distance Principles — User's Manual*, 1995, published by the Explosives Regulatory Division, Department of Natural Resources.

Copy of licence and notice

163. The holder must ensure that a copy of the user magazine zone licence and of the notice are posted in each magazine.

PART 7

PROVISIONS OF GENERAL APPLICATION

Overview

164. This Part sets out certain terms and conditions that apply to holders of the documents (licences, permits and certificates) issued by the Minister of Natural Resources under section 7 of the *Explosives Act*. It also sets out the procedures for changing or renewing these documents and provides for their suspension and cancellation.

TERMS AND CONDITIONS

Authorized activities

165. (1) A holder of a licence, permit or certificate may carry out any activity involving an explosive that is authorized by the document and must do so in the manner specified in it.

Responsibility of holder

(2) The holder must ensure that their employees and other workers carry out the activities authorized by the document in the manner specified in it.

Presentation of licence, permit or certificate

166. A holder of a licence, permit or certificate must present their document for review at the request of a peace officer.

Fire

167. (1) A holder of a licence, permit or certificate must immediately inform the local fire department of any fire that involves an explosive under their control.

Incidents

(2) A holder of a licence, permit or certificate must inform an inspector as soon as the circumstances permit of any of the following incidents that involves an explosive under their control:

- (a) the theft, attempted theft or loss of an explosive;
- (b) a fire, spill or accidental explosion;
- (c) an injury or death; or
- (d) any accidental property damage.

Report

(3) The holder must provide the Chief Inspector of Explosives with a detailed follow-up report about the incident as soon as the circumstances permit. The report must include the likely cause of the incident and the steps that the holder will take to prevent such an incident from happening again.

Destruction of explosives

168. A holder of a licence, permit or certificate who has not applied to renew the document or obtain a new document must ensure that on or before the expiry date of their document the explosives under their control

- (a) are destroyed in a manner that does not increase the likelihood of an accidental ignition during or after the destruction;
- (b) are delivered to a holder of a factory licence that authorizes storage of those explosives; or
- (c) are returned to the person from whom they were bought.

Decommissioning plan — factory

169. (1) Before decommissioning a factory, a holder of a division 1 factory licence must send a written decommissioning plan to the Minister of Natural Resources.

Decommissioning plan — magazine

(2) Before decommissioning a workplace or magazine, a holder of a division 2 factory licence, a magazine licence or a manufacturing certificate must send a written decommissioning plan to the Minister of Natural Resources if the workplace or magazine contains any explosive residue.

Contents of plan

(3) A decommissioning plan must include a description of the safety measures that the holder will take to minimize the likelihood of harm to people or property during and after the decommissioning.

Additional safety measures

(4) The Minister may require the holder to implement additional safety measures that are necessary to minimize the likelihood of harm to people or property.

Responsibility of holder

(5) The holder must implement the decommissioning plan and ensure that the factory, workplace or magazine is decommissioned in a safe manner and that any possibility of harm to people or property is eliminated after the factory or magazine is decommissioned. They must inform the Minister when the decommissioning is complete.

Annual report

170. (1) For any calendar year during which a holder of a factory licence, an import or export permit or a manufacturing certificate carries out an activity involving an explosive, the holder must submit a report to the Chief Inspector of Explosives in the form provided by the Department of Natural Resources. The report must include, for each explosive,

- (a) its UN number;
- (b) for each UN number, the quantity of explosive that was imported, manufactured, sold, exported, lost, stolen or destroyed during the calendar year; and
- (c) the quantity of each explosive in the holder's inventory on December 31 of the calendar year or, if the holder ceased operations during the year, on the date on which operations ceased.

Submission

(2) The report must be submitted

- (a) when the holder applies to renew their licence, permit or certificate, if the application for renewal is between the end of the calendar year and March 31 of the following year; or
- (b) on or before March 31 of the year following the calendar year if the holder has not applied for a renewal before that day.

Suspension of activity

171. A licence holder who intends to suspend an activity for which their licence was issued must, no later than 14 days before the date on which the suspension is to begin, give the Minister of Natural Resources written notice of the date of suspension and the anticipated date, if any, for resuming the activity.

AMENDMENT AND RENEWAL

Amendment or renewal with amendment

172. (1) An applicant for an amendment of a licence, permit or certificate, or for a renewal with amendment, must complete, sign and send to the Chief Inspector of Explosives the application form provided by the Department of Natural Resources. The application must state whether the amendment requested is to a licence, a permit or a certificate and must include the following information:

- (a) the name, address, telephone number, fax number and email address of both the applicant and a contact person;
- (b) the number of the applicant's licence, permit or certificate;
- (c) the amendment requested; and
- (d) all the information that differs from that provided in the previous application.

Renewal without amendment

(2) An applicant for a renewal without amendment of a licence, permit or certificate must complete, sign and send to the Chief Inspector of Explosives the application form provided by the Department of Natural Resources. The application must include the following information:

- (a) the name, address, telephone number, fax number and email address of both the applicant and a contact person; and
- (b) the number of the applicant's licence, permit or certificate.

Exception

(3) Despite subsections (1) and (2), a person who applies for the renewal of a manufacturing certificate must comply with section 109.

Fees

(4) An applicant must pay the applicable fees set out in Part 19.

SUSPENSION AND CANCELLATION

Suspension

173. (1) The Chief Inspector of Explosives may suspend a licence, permit or certificate, in whole or in part, if the holder fails to comply with the *Explosives Act*, these Regulations or any term or condition of the document. The suspension continues until the measures required to bring the holder into compliance are taken.

Cancellation

(2) The Chief Inspector may cancel a licence, permit or certificate if the holder

(a) fails more than one time to comply with the *Explosives Act*, these Regulations or any term or condition of the document; or

(b) jeopardizes the safety of the public or the holder's employees by failing to follow the practices of the explosives industry.

Procedure

(3) Before suspending or cancelling a licence, permit or certificate, the Chief Inspector must provide the holder with written notice of the reasons for the suspension or cancellation and its effective date and give them an opportunity to provide reasons why the licence, permit or certificate should not be suspended or cancelled.

Review by Minister

(4) The holder may request that the Minister of Natural Resources review the Chief Inspector's decision to suspend or cancel. The request must be made in writing within 15 days after the Chief Inspector has given the holder notice of the decision. The Minister must confirm, revoke or amend the decision.

PART 8

SCREENING

Overview

174. This Part sets out the screening requirements for people who have access to high hazard explosives. Division 1 sets out the requirements that must be met by applicants for a licence if they intend to manufacture or store a high hazard explosive. Division 2 sets out the duties of licence holders to control access to high hazard explosives. It also sets out the requirements for obtaining approval letters.

Definitions

175. (1) The following definitions apply in this Part.

"approval letter"

« *lettre d'approbation* »

"approval letter" means an approval letter issued by the Minister of Natural Resources under section 183.

"equivalent document"

« *document équivalent* »

"equivalent document" means

(a) a permis général issued under Quebec's *An Act respecting explosives*, as amended from time to time;

(b) a FAST card (free and secure trade card) issued by the Canada Border Services Agency;

(c) a NEXUS card issued by the Canada Border Services Agency; or

(d) a Firearms Possession and Acquisition Licence issued under the *Firearms Act*.

"high hazard explosive"

« *explosif à risque élevé* »

"high hazard explosive" refers to

(a) military explosives or law enforcement explosives (type D);

(b) high explosives (type E); or

(c) initiation systems (type I).

"licence"

« *licence* »

"licence" means a factory licence or a vendor magazine licence that authorizes the manufacture or storage of a high hazard explosive.

Access

(2) A person is considered to have access to a high hazard explosive if it is possible for them to come into contact, even momentary contact, with such an explosive.

DIVISION 1

APPLICATION FOR LICENCE

Criminal record check

176. (1) An applicant for a licence, or for the renewal of one, must, if they are an individual, include

with their application either the original of a criminal record check that was carried out on them within one year before the date on which the application is received by the Minister of Natural Resources or proof that they have an equivalent document.

List of employees

(2) Every applicant for a licence, or for the renewal one, must also include a list of their employees who are required by this Part to have an approval letter and must indicate whether the employee has applied for the letter and whether it has been received.

Issuance of document

177. (1) If the applicant's criminal record check does not reveal any of the circumstances set out in subsection (2) or the applicant has an equivalent document, the Minister of Natural Resources may issue or renew the licence.

Refusal

(2) The Minister must refuse to issue or renew the licence and must give the applicant written notice of the refusal and the reason for the refusal, if the criminal record check reveals any of the following circumstances:

- (a) the applicant is subject to a court order prohibiting them from possessing an explosive;
- (b) the applicant has, within the five years before the date on which the application was received by the Minister, been convicted of any of the following offences:
 - (i) an indictable offence under the *Explosives Act*,
 - (ii) an indictable offence under Quebec's *An Act respecting Explosives*, as amended from time to time,
 - (iii) an offence under any of the following provisions of the *Criminal Code*:
 - (A) section 80 (breach of duty),
 - (B) section 81 (using explosives),
 - (C) section 82 (possession of explosives without lawful excuse),
 - (D) subsection 235(1) (first and second degree murder),
 - (E) subsection 239(1) (attempted murder),
 - (F) subsection 431.2(2) (explosive or other lethal device),
 - (G) section 436.1 (possession of incendiary material), or
 - (iv) the applicant has, within the five years before the date on which the application was received, been convicted more than once of either of the following offences or has been convicted at least once of each of them:
 - (A) an indictable offence in the commission of which violence against another person was used, threatened or attempted, or
 - (B) an offence under section 264 of the *Criminal Code* (criminal harassment).

Request for review

(3) An applicant may, within 30 days after the date on which they receive a notice of refusal, send the Minister written information or documents to establish that the information on which the refusal was based is incorrect.

Disposition on review

- (4) After reviewing the new information or documents, the Minister must
 - (a) issue or renew the licence if the information on which the refusal was based is incorrect; or
 - (b) give the applicant written notice of the refusal and the reasons for the refusal if the information on which it was based is correct.

DIVISION 2

APPROVAL LETTERS

Requirements for Holders of a Licence

Approval letter required

178. (1) A holder of a licence must ensure that an approval letter or equivalent document is held by every employee, director or contractor who, in carrying out their functions for the holder,

- (a) has access to a high hazard explosive;
- (b) permits others to have access to a high hazard explosive; or
- (c) controls, directly or indirectly, a person who has access to a high hazard explosive or permits others to have access to such an explosive.

Control over others

(2) A holder of a licence must ensure that a person who does not have an approval letter or an equivalent document does not occupy a position in which they control, directly or indirectly, a person who, in carrying out their functions for the holder, has access to a high hazard explosive.

Access prevented

179. (1) A holder of a licence must ensure that a person who does not have an approval letter or an equivalent document does not have access to a high hazard explosive that is being manufactured or stored by the holder.

Exception — supervised person

(2) Subsection (1) does not apply in respect of a person who does not hold an equivalent document, has applied for an approval letter and was either refused or is still waiting for a response if, when they have access to a high hazard explosive, they are at all times under the direct supervision of another person who has an approval letter or equivalent document.

Visitors

180. A holder of a licence or certificate must ensure that a visitor to their factory or magazine site who does not have an approval letter and could have access to a high hazard explosive is at all times under the direct supervision of a person who has an approval letter or an equivalent document.

Exception — peace officers, etc.

181. Subsection 179(1) and section 180 do not apply in respect of the following people when they are acting in the course of their duties:

- (a) a peace officer;
- (b) an employee of the federal government; or
- (c) an inspector appointed under the *Explosives Act*.

Application for Approval Letter

Application

182. (1) A person may apply for an approval letter by completing, signing and sending to the Chief Inspector of Explosives the application form provided by the Department of Natural Resources. The application must include the following information:

- (a) the applicant's name, address, telephone number and email address;
- (b) the applicant's date of birth; and
- (c) if the applicant is employed by or is a director of a holder of a licence, the holder's name, address, telephone number, fax number and email address and, if applicable, the name of the applicant's supervisor.

Criminal record check

(2) The application must include the original of a criminal record check carried out on the applicant within one year before the date on which the application is received by the Minister of Natural Resources.

Issuance of letter

183. (1) If the applicant's criminal record check does not reveal any of the circumstances set out in subsection (2), the Minister of Natural Resources must issue a dated approval letter to the applicant and send a copy of the letter to any holder of a licence mentioned in the application.

Refusal

(2) The Minister must refuse to issue an approval letter and must give the applicant written notice of the refusal, and the reasons for the refusal, if the applicant's criminal record check reveals any of the following circumstances:

- (a) the applicant is subject to a court order prohibiting them from possessing any explosives;

(b) the applicant has, within the five years before the date on which the application was received by the Minister, been convicted of any of the following offences:

- (i) an indictable offence under the *Explosives Act*,
- (ii) an indictable offence under Quebec's *An Act respecting Explosives*, as amended from time to time,
- (iii) an offence under any of the following provisions of the *Criminal Code*:
 - (A) section 80 (breach of duty),
 - (B) section 81 (using explosives),
 - (C) section 82 (possession of explosives without lawful excuse),
 - (D) subsection 235(1) (first and second degree murder),
 - (E) subsection 239(1) (attempted murder),
 - (F) subsection 431.2(2) (explosive or other lethal device),
 - (G) section 436.1 (possession of incendiary material), or
- (iv) the applicant has, within the five years before the date on which the application was received, been convicted more than once of either of the following offences or has been convicted at least once of each of them:
 - (A) an indictable offence in the commission of which violence against another person was used, threatened or attempted, or
 - (B) an offence under section 264 of the *Criminal Code* (criminal harassment).

Request for review

(3) An applicant may, within 30 days after the date on which they receive a notice of refusal, send the Minister written information or documents to establish that the information on which the refusal was based is incorrect.

Disposition on review

- (4) After reviewing the new information or documents, the Minister must
- (a) issue the approval letter if the information on which the refusal was based is incorrect; or
 - (b) give the applicant written notice of the refusal, and the reasons for the refusal, and send a copy of the notice to any licence holder mentioned in the application, if the information on which the refusal was based is correct.

Review not requested

(5) If the applicant does not request a review, the Minister must, at the end of the period mentioned in subsection (3), send a copy of the notice of refusal to any licence holder mentioned in the application.

Period of validity

184. An approval letter remains valid for five years after the date on which it is issued.

Copy of letter

- 185.** (1) A person who has been issued an approval letter may
- (a) obtain a copy of the letter by sending a request to the Chief Inspector of Explosives that sets out the person's name, address, telephone number and email address and the date of the letter; or
 - (b) have a copy of the letter sent to a holder of a licence by sending a request to the Chief Inspector of Explosives that sets out the person's name, address, telephone number and email address, the date of the letter and the holder's name, address and email address.

Verification

(2) A holder of a licence who wishes to verify that a director or employee of the holder, or a person seeking employment from the holder, has an approval letter must complete, sign and send to the Chief Inspector of Explosives the application form provided by the Department of Natural Resources. The application must include the following information:

- (a) the name, address, telephone number, fax number and email address of both the holder and

a contact person;

(b) the name and date of birth of the person whose approval letter is to be verified; and

(c) that person's written consent, witnessed and signed by a witness.

PART 9

TRANSPORTING EXPLOSIVES

Overview

186. This Part sets out the requirements for transporting explosives, including in transit transportation and the loading and unloading of explosives, that must be met by owners, shippers, carriers and drivers. When a small quantity of certain explosives is to be shipped, the requirements of section 190 apply. In all other cases, the requirements of sections 191 to 201 (dealing with transportation by vehicle) and sections 202 and 203 (dealing with transportation by other means) apply.

Definitions

187. The following definitions apply in this Part.

"carrier"

« *transporteur* »

"carrier" means a person who transports explosives or who provides the service of transporting explosives, including the service of supplying the vehicle or other means of transportation or loading or unloading the explosives.

"shipper"

« *expéditeur* »

"shipper" means a person who arranges for a carrier, prepares the explosives for transport and delivers them to the carrier.

Explosives quantity

188. A reference to a mass of explosives in this Part is a reference to their net quantity (the mass of the explosives excluding the mass of any packaging or container), except in section 190 where it is a reference to their gross quantity (the mass of the explosives plus the mass of any packaging or container).

Driver who is not a carrier

189. A driver is not subject to the requirements for carriers that are set out in this Part if the driver is an employee, or an agent or mandatary, of the carrier.

TRANSPORTING SMALL QUANTITY OF EXPLOSIVES

List of explosives

190. (1) A carrier or driver who transports no more than 12 kg of explosives numbered UN 0028 BLACK POWDER (GUNPOWDER) COMPRESSED or UN 0027, BLACK POWDER (GUNPOWDER) or no more than 150 kg of explosives with any of the following UN numbers is not subject to the requirements of sections 191 to 203 but must ensure that the requirements in subsection (2) are met:

(a) UN 0012, CARTRIDGES, SMALL ARMS, if the calibre is 12.7 mm (50 calibre) or smaller;

(b) UN 0014, CARTRIDGES, SMALL ARMS, BLANK, if the calibre is 12.7 mm (50 calibre) or smaller;

(c) UN 0044, PRIMERS, CAP type;

(d) UN 0055, CASES, CARTRIDGE, EMPTY, WITH PRIMER if the calibre is 12.7 mm (50 calibre) or smaller;

(e) UN 0105, FUSE, SAFETY;

(f) UN 0131, LIGHTERS, FUSE;

(g) UN 0161, POWDER, SMOKELESS;

(h) UN 0173, RELEASE DEVICES, EXPLOSIVE;

(i) UN 0186, ROCKET MOTORS;

(j) UN 0191, SIGNAL DEVICES, HAND;

- (k) UN 0197, SIGNALS, SMOKE;
- (l) UN 0276, CARTRIDGES, POWER DEVICE;
- (m) UN 0312, CARTRIDGES, SIGNAL;
- (n) UN 0323, CARTRIDGES, POWER DEVICE;
- (o) UN 0336, FIREWORKS;
- (p) UN 0337, FIREWORKS;
- (q) UN 0351, ARTICLES, EXPLOSIVE, N.O.S.;
- (r) UN 0373, SIGNAL DEVICES, HAND;
- (s) UN 0403, FLARES, AERIAL;
- (t) UN 0404, FLARES, AERIAL;
- (u) UN 0405, CARTRIDGES, SIGNAL;
- (v) UN 0431, ARTICLES, PYROTECHNIC;
- (w) UN 0432, ARTICLES, PYROTECHNIC;
- (x) UN 0453, ROCKETS, LINE THROWING;
- (y) UN 0454, IGNITERS;
- (z) UN 0499, PROPELLANT, SOLID;
- (z.1) UN 0503, AIR BAG INFLATORS, AIR BAG MODULES, SEAT-BELT PRETENSIONERS;
- (z.2) UN 0505, SIGNALS, DISTRESS;
- (z.3) UN 0506, SIGNALS, DISTESS;
- (z.4) UN 0507, SIGNALS, SMOKE.

Requirements

(2) The explosives must be transported in a package or container that is designed, constructed, filled, closed, secured and maintained so that under normal conditions of transport the likelihood of an ignition is minimized.

TRANSPORTING EXPLOSIVES IN A VEHICLE

Vehicle requirements

191. (1) A carrier of explosives by vehicle must ensure that the portion of the vehicle that contains the explosives is either fully enclosed and fire resistant, or is an intermodal container, and that portion is kept locked except when the explosives are being loaded or unloaded.

Vehicle kept locked

(2) The driver of the vehicle must also ensure that the portion of the vehicle that contains the explosives is kept locked except when the explosives are being loaded or unloaded.

Towed vehicle

(3) A carrier of explosives must not transport explosives in a towed vehicle unless

- (a) the explosives are in a semi-trailer attached to a truck tractor or in a fifth-wheel trailer; or
- (b) the explosives are in a trailer that is part of a road train travelling over ice roads and the Minister of Natural Resources has determined that precautions that minimize the likelihood of an ignition have been taken.

Oversized load

(4) If an explosive article or equipment that is contaminated with an explosive substance is too large to be contained in a fully enclosed portion of a vehicle or an intermodal container, the article or equipment may be transported on a flatbed if the carrier obtains a permit to do so issued by the Minister of Natural Resources under paragraph 7(1)(b) of the *Explosives Act*. The carrier and the driver must ensure that the article or equipment is secured to the flatbed and covered.

Application for permit

(5) A carrier who applies for a permit to use a flatbed to transport an explosive article or equipment that is contaminated with an explosive substance must complete, sign and send to the Chief Inspector of Explosives the application form provided by the Department of Natural Resources. The application must include the following information:

- (a) the applicant's name, address, telephone number, fax number and email address;
- (b) the licence plate number and vehicle identification number of the flatbed;
- (c) the number of the division 1 factory licence or the magazine licence that authorizes the manufacture or storage of the explosive article or the explosive that contaminated the equipment, along with the address of the factory or magazine from which or to which the article or equipment is to be transported;
- (d) a description of the explosive article or contaminated equipment; and
- (e) a description of the method to be used to cover the article or equipment and to secure it to the flatbed.

Iron or steel parts

(6) If an iron or steel part of a portion of the vehicle that will contain explosives is likely to come into contact with the explosives or their packaging during transport, the carrier must ensure that the part is covered with material that will prevent the contact unless the iron or steel is part of the means of containment for in bulk transportation of the explosives numbered

- (a) UN 0331, EXPLOSIVE, BLASTING, type B; or
- (b) UN 0332, EXPLOSIVE, BLASTING, type E.

Vehicle transporting more than 2 000 kg of explosives

(7) If the vehicle will be used to transport more than 2 000 kg of explosives, the carrier must ensure that the vehicle is not gasoline-powered. The carrier must also ensure that the fuel tank and fuel lines are not located in, under, beside or over the portion of the vehicle that contains the explosives, unless there is no possible alternative and precautions that minimize the likelihood of an ignition have been taken.

Fire extinguishers

(8) The carrier must ensure that the vehicle that contains explosives is equipped with two fire extinguishers that have a rating of at least 4-A :40-B:C and are easily accessible.

Heater and lights

(9) The carrier must ensure that the portion of the vehicle that contains explosives does not have a heater or light — other than a heater or light installed in the portion of the vehicle occupied by the driver — unless the Minister of Natural Resources determines that

- (a) a heater or light is required because of the properties of the explosives or the operations to be carried out in the vehicle; and
- (b) precautions that minimize the likelihood of an ignition have been taken.

Refrigeration and climate control systems

(10) The carrier must ensure that the portion of the vehicle that contains explosives does not have a refrigeration or climate-control system with its own fuel tank unless

- (a) the fuel system is drained and purged or removed and any battery is isolated by a cut-off switch or removed; or
- (b) the Minister of Natural Resources determines that
 - (i) the system has to be operational because of the properties of the explosives or the operations to be carried out in the vehicle; and
 - (ii) precautions that will minimize the likelihood of an ignition have been taken.

Hot components of exhaust system

(11) The carrier must ensure that the portion of the vehicle that contains explosives is protected from any component of an exhaust system that could, by heating up, increase the likelihood of an ignition.

Dangerous goods safety marks

(12) The carrier and the driver must ensure that any dangerous goods safety marks that are required by the *Transportation of Dangerous Goods Regulations* to be displayed on the vehicle when it is on a public highway and contains explosives must also be displayed when the vehicle is not on a public

highway and contains explosives.

Detonators

192. (1) When detonators are to be transported in a vehicle that contains other explosives, the shipper and the carrier must ensure that no more than 20 000 detonators will be transported with the other explosives. They must also ensure that

(a) in the case of a vehicle that contains no more than 2 000 kg of explosives, the detonators are stowed apart from the other explosives so that an explosion of one or more detonators will not ignite any of the other explosives; and

(b) in the case of a vehicle that contains more than 2 000 kg of explosives, the detonators are stowed in a container in or compartment of the vehicle that is fully enclosed, cannot be accessed from the portion of the vehicle that contains the other explosives and will prevent the detonators from exploding during a fire for at least one hour.

Damaged or deteriorated explosives

(2) The shipper and the carrier must not transport damaged or deteriorated explosives unless the Minister of Natural Resources determines that the explosives must be transported to another location for the purpose of storing them, making them fit for use, remaking or repairing them or destroying them and that precautions that minimize the likelihood of an ignition have been taken.

Items transported with explosives

(3) The shipper and the carrier must ensure that things other than explosives are not transported with explosives unless

(a) in the case of a vehicle that contains no more than 2 000 kg of explosives, the things are stowed, or separated from, the explosives so as to minimize the likelihood of an ignition; and

(b) in the case of a vehicle that contains more than 2 000 kg of explosives, the vehicle has been authorized to transport the things by a permit issued by the Minister of Natural Resources under paragraph 7(1)(b) of the *Explosives Act* and the permit is in the vehicle.

Permit to transport non-explosive items

(4) A shipper or a carrier who applies for a permit to transport things other than explosives in a vehicle that will contain explosives must complete, sign and send to the Chief Inspector of Explosives the application form provided by the Department of Natural Resources. The application must include the following information:

(a) the applicant's name, address, telephone number, fax number and email address;

(b) a list of the non-explosive items to be transported with the explosives in the vehicle; and

(c) the precautions that will be taken to eliminate any possibility of an ignition.

Limit for road trains on ice roads

(5) In the case of a road train travelling over ice roads, the carrier must ensure that no more than 20 000 kg of explosives are transported in any trailer forming part of the train.

Inspection by licensed mechanic

193. (1) The carrier must ensure that the vehicle to be used to transport explosives was inspected by a licensed mechanic at least once during the year preceding the transportation and that any deficiencies found during the inspection are corrected before the vehicle is used.

Sound mechanical condition

(2) The carrier must ensure that the vehicle is in sound mechanical condition and capable of safely transporting explosives.

Combustible material

(3) The carrier and the driver must ensure that the portion of the vehicle containing explosives is free of grit, combustible or abrasive material, any fire-producing, spark-producing or flame-producing device and any substance that might ignite spontaneously.

Inspection

(4) The driver must ensure that the vehicle, while transporting explosives, is inspected daily to verify that the following requirements are met:

(a) the fire extinguishers are filled and in good working order;

(b) the electric wiring is completely insulated and firmly secured;

(c) the fuel tank and fuel lines have no leaks;

(d) the chassis, engine, pan and bottom of the body are clean and free from excess oil and grease;

(e) the brakes and steering apparatus are in good condition; and

(f) the tires are not worn smooth or visibly defective.

Correcting deficiencies

(5) The driver must ensure that any deficiencies found on the vehicle during an inspection are corrected before it is used to transport explosives.

Loading and unloading

194. (1) The carrier must ensure that, while explosives are being loaded into or unloaded from a vehicle, precautions that minimize the possibility of an ignition are taken. The carrier must also ensure that only activities that are necessary for loading or unloading the explosives are carried out in the immediate vicinity.

Precautions

(2) The carrier must ensure that precautions are taken that will prevent unauthorized people from having access to the explosives during loading or unloading and that will prevent any person in the immediate vicinity from doing anything that could increase the likelihood of an ignition.

Fuel, oil and tire pressure check

(3) The carrier must ensure that the vehicle is fuelled, the oil level and tire pressure are checked and all required servicing of the vehicle is carried out before the loading of explosives begins.

Engine turned off and brakes set

(4) During the loading or unloading of explosives, the driver must ensure that the engine is turned off and the brakes are set. However, the engine may be left running if it is needed to operate a power take-off or if cold and wind conditions could make restarting the engine difficult.

No stopping

(5) The carrier must ensure that once the loading or unloading begins, it continues without stopping until it is completed.

Throwing or dropping explosives

(6) The carrier must ensure that packages or containers of explosives are not thrown or dropped during the loading or unloading of explosives.

Securing explosives

(7) The carrier must ensure that the explosives are stowed and secured in a manner that eliminates any possibility of an ignition, including ignition by another item or substance that is also being transported.

Confirmation — shipper

195. (1) Before delivering the explosives to the carrier, the shipper must obtain confirmation from the intended recipient that the explosives will be

(a) used on the same day they are delivered and attended until they are used;

(b) stored in a factory magazine, licensed magazine, [\(see footnote 14*\)](#) storage unit or dwelling in accordance with these Regulations; or

(c) shipped immediately to the next recipient.

Confirmation — carrier

(2) A carrier must not load explosives into a vehicle unless they have obtained confirmation from the intended recipient that they will be able to receive them at the time of delivery.

Age of driver

196. (1) A person who is less than 21 years old must not drive a vehicle that is transporting more than 2 000 kg of explosives.

No smoking

(2) A person must not smoke while they are in a vehicle that contains explosives, or while they are attending one.

Performance-diminishing substance

(3) A person who is under the influence of alcohol or another performance-diminishing substance must

not be in or attend a vehicle that contains explosives. However, a person who has taken a prescription drug may be in or attend a vehicle containing explosives if they have medical proof that they need the drug and that it will not impede their ability to function safely.

Performance-diminishing substance — possession

(4) A driver and any person assisting the driver must not carry alcohol or another performance-diminishing substance for their personal use while transporting explosives.

No stopping on route

(5) The driver of a vehicle transporting explosives must not stop en route unnecessarily. If a stop is necessary, the driver must stop for no longer than required under the circumstances and must park the vehicle away from areas where people gather.

Repairs

(6) The driver must ensure that repairs that involve power tools or heat-producing devices or that could increase the likelihood of an ignition are not made to the vehicle while it contains explosives.

Route

(7) The driver of a vehicle transporting explosives must follow dangerous goods routes. If there are no dangerous goods routes, the driver must avoid routes that pass through densely populated areas if it is possible.

Maintaining separation

(8) A driver of a vehicle transporting more than 2 000 kg of explosives must maintain a distance of at least 300 m between their vehicle and any other vehicle that is transporting more than 2 000 kg of explosives.

Towed vehicle

(9) The driver of a vehicle transporting explosives must ensure that the vehicle is not towed unless the Minister of Natural Resources or a police officer directs that it be towed because of an emergency or a breakdown.

Obtaining assistance

197. The carrier must ensure that the driver of a vehicle transporting more than 2 000 kg of explosives is able to rely on assistance from one or more of the following people:

- (a) an assistant who is accompanying the driver;
- (b) a person who is in another vehicle that is not transporting explosives following the vehicle transporting explosives and with whom the driver is in constant communication; and
- (c) a person who is monitoring a two-way radio or equivalent communication system.

Tracking and communication systems

198. (1) If a vehicle — other than a vehicle in which a manufacturing operation may be carried out — is used to transport the following quantity of an explosive that is listed in subsection (2), the carrier must ensure that it is equipped with a tracking and communication system no later than

- (a) one year after these Regulations are made, if the vehicle is transporting 1 000 or more detonators;
- (b) one year after these Regulations are made, if the vehicle is transporting 15 000 kg or more of explosives;
- (c) two years after these Regulations are made, if the vehicle is transporting at least 10 000 kg but less than 15 000 kg of explosives;
- (d) three years after these Regulations are made if transporting at least 2 000 kg but less than 10 000 kg of explosives.

Listed explosives

(2) The tracking and communication system is required if the vehicle is transporting explosives that are classified under the *Transportation of Dangerous Goods Regulations* as follows:

- (a) Class 1, Division 1, 2 or 3;
- (b) Class 1, Division 4 with one of the following UN numbers:
 - (i) UN 0104, CORD DETONATING, MILD EFFECT or FUSE DETONATING, MILD EFFECT,
 - (ii) UN 0237, CHARGES, SHAPED, FLEXIBLE, LINEAR,

- (iii) UN 0255, DETONATORS, ELECTRIC,
- (iv) UN 0267, DETONATORS, NON-ELECTRIC,
- (v) UN 0289, CORD, DETONATING,
- (vi) UN 0361, DETONATOR ASSEMBLIES, NON-ELECTRIC,
- (vii) UN 0365, DETONATORS FOR AMMUNITION,
- (viii) UN 0366, DETONATORS FOR AMMUNITION,
- (ix) UN 0440, CHARGES, SHAPED,
- (x) UN 0441, CHARGES, SHAPED,
- (xi) UN 0445, CHARGES, EXPLOSIVE, COMMERCIAL,
- (xii) UN 0456, DETONATORS, ELECTRIC,
- (xiii) UN 0500, DETONATOR ASSEMBLIES, NON-ELECTRIC; or

(c) Class 1, Division 5 or 6;

Requirements for system

(3) The tracking and communication system must allow the person who is monitoring the system to locate the vehicle at all times and must allow the driver and the person to communicate with one another.

Monitoring system

(4) The carrier must ensure that a person is monitoring the tracking and communication system at all times while the explosives are being transported and will notify the police in case of an emergency.

Vehicle attended

199. (1) The carrier and the driver of a vehicle that contains explosives must ensure that it is attended in person when it is not at a licensed factory.

Exception

(2) However, up to 25 kg of high explosives (type E) and up to 100 detonators (type I) may be left unattended in a vehicle if

- (a) the explosives have been removed from a factory magazine or licensed magazine for use in carrying out a task;
- (b) the explosives are stored in a storage unit that has been serviced at the factory or magazine and is bolted or welded to the vehicle or, if the explosives are perforating guns, the guns are securely locked to the vehicle;
- (c) no other item or substance that could increase the likelihood of an ignition is in the vehicle;
- (d) a device or system is in place that will ensure that the vehicle is immobilized and that an alarm will alert the driver if an attempt is made to steal the explosives, tamper with the storage unit or tamper with or steal the vehicle; and
- (e) if it is parked overnight, the vehicle is parked at least 30 m from any dwelling, highway or railway line and any place where flammable substances (for example, gasoline pumps, propane tanks or above-ground storage tanks for a flammable liquid or flammable gas) are stored.

Leftover explosives

(3) When the task is completed, the carrier and driver must ensure that any explosives remaining in the vehicle are stored in a factory or licensed magazine as soon as the circumstances permit.

Overnight parking

200. (1) If a vehicle that contains explosives is to be parked overnight, the driver must park at a place where there is no open flame, match or any other thing that could increase the likelihood of an ignition. The distance between the parking place and any dwelling, place where flammable substances (for example, gasoline pumps, propane tanks or above-ground storage tanks for flammable liquid or flammable gas) are stored and any area where people are likely to gather must be great enough to eliminate any possibility of harm to people and property in case of an ignition.

Vehicle attended

(2) The driver must ensure that the parked vehicle is attended.

Accidents and incidents

201. (1) The driver of a vehicle that contains explosives and is involved in an accident or incident that is likely to delay the delivery of the explosives must, as soon as the circumstances permit, notify the police and the carrier of the accident or incident and the delay.

Report

(2) The carrier must, as soon as the circumstances permit, report the accident or incident to an inspector. The carrier must ensure that any damaged explosives are transported as soon as the circumstances permit to any location that the Minister of Natural Resources designates and any undamaged explosives are transported to their destination or to a safe and secure location as soon as the circumstances permit.

TRANSPORTING EXPLOSIVES IN A MEANS OF TRANSPORT OTHER THAN A VEHICLE

Loading and unloading

202. (1) The carrier must ensure that, while explosives are being loaded into or unloaded from a means of transport other than a vehicle, precautions that minimize the likelihood of an ignition are taken. The carrier must also ensure that only activities that are necessary for loading or unloading the explosives are carried out in the immediate vicinity.

Precautions

(2) The carrier must ensure that precautions that prevent unauthorized people from having access to the explosives during loading or unloading are taken, as well as precautions that prevent any person in the immediate vicinity from doing anything that might increase the likelihood of an ignition.

Throwing or dropping explosives

(3) The carrier must ensure that packages or containers of explosives are not thrown or dropped during the loading or unloading of the explosives.

Securing explosives

(4) The carrier must ensure that the explosives are stowed and secured in a manner that eliminates any possibility of an ignition, including ignition by another item or substance that is also being transported.

Confirmation — shipper

203. (1) Before delivering the explosives to the carrier, the shipper must obtain confirmation from the intended recipient of the explosives that the explosives will be

- (a) used on the same day they are delivered and attended until they are used;
- (b) stored in a factory magazine, licensed magazine, storage unit or dwelling in accordance with these Regulations; or
- (c) shipped immediately to the next recipient.

Confirmation — carrier

(2) A carrier must not load explosives into a means of transport other than a vehicle unless they have obtained confirmation from the intended recipient that they will be able to receive them at the time of delivery.

PART 10

MILITARY EXPLOSIVES AND LAW ENFORCEMENT EXPLOSIVES

Overview

204. This Part authorizes the acquisition, storage and sale of military explosives (type D) and law enforcement explosives (type D) and sets out the rules for sellers and users.

Definitions

205. The following definitions apply in this Part.

“licence”
« *licence* »

“licence” means a licence that authorizes the storage of the military explosives or law enforcement explosives to be sold or acquired.

“user”
« *utilisateur* »

“user” means a person who or a police force that acquires military explosives or law enforcement explosives for use.

RULES FOR SELLERS

Acquisition for sale

206. A seller may acquire, store and sell military explosives or law enforcement explosives if they hold a licence. A seller who acquires military explosives or law enforcement explosives must comply with this Part.

Storage

207. (1) A seller must store their military explosives and law enforcement explosives in the magazine specified in their licence.

No display for sale

(2) A seller must not display military explosives or law enforcement explosives for sale.

Sale — licensed buyer

208. (1) A seller may sell military explosives or law enforcement explosives only to a buyer who holds a licence.

Maximum quantity

(2) A seller must not sell more military explosives or law enforcement explosives to a buyer than the buyer is authorized by their licence to store.

Sale — certain entities

(3) Despite subsection (1), a seller may sell the following explosives to the following buyers even if the buyer is unlicensed:

(a) military explosives and law enforcement explosives to the Department of National Defence and to any armed forces cooperating with the Canadian Forces; and

(b) military explosives, hazard category PE 3 or PE 4, and law enforcement explosives, hazard category PE 3 or PE 4, to a police force operating in Canada.

Record of sale

209. A seller must keep a record of every sale of military explosives or law enforcement explosives in a secure location for two years after the date of the sale. The record must include the following information:

(a) the name and address of the individual who bought the explosives and the name of any entity for which the explosives were acquired;

(b) in the case of a licensed buyer, the licence number and expiry date;

(c) the trade name of each explosive sold and the name of the person who obtained its authorization;

(d) the quantity of explosives sold under each trade name; and

(e) the date of the sale.

RULES FOR USERS

Acquisition — licensed user

210. (1) A user may acquire and store military explosives or law enforcement explosives if they hold a licence. A user who acquires military explosives or law enforcement explosives must comply with subsection (2).

Storage — licensed user

(2) A user must store their military explosives and law enforcement explosives in the magazine specified in their licence.

Acquisition — police force

211. (1) Despite subsection 210(1), a police force operating in Canada may acquire and store military explosives, hazard category PE 3 or PE 4, or law enforcement explosives, hazard category PE 3 or PE 4, even if the force is unlicensed. A police force that acquires such explosives must comply with subsection (2).

Storage — police force

(2) The explosives must be stored away from flammable substances and sources of ignition, in a manner that prevents them from being stolen and ensures that access to them is limited to people authorized by the police force.

PART 11

INDUSTRIAL EXPLOSIVES

Overview

212. This Part authorizes the acquisition, storage and sale of explosives that are used for industrial purposes and sets out the rules for sellers and users.

Definitions

213. The following definitions apply in this Part.

“industrial explosive”
« *explosif industriel* »

“industrial explosive” means the following types of explosive:

- (a) E.1 — blasting explosives;
- (b) E.2 — perforating explosives;
- (c) E.3 — special-application explosives;
- (d) I — initiation systems; and
- (e) P.1 — black powder and hazard category PE 1 black powder substitutes, when they are used in mining, quarrying, construction or avalanche control.

“licence”
« *licence* »

“licence” means a licence that is issued by the Minister of Natural Resources and authorizes storage of the type of industrial explosive to be sold or acquired.

“manufacturing certificate”
« *certificat de fabrication* »

“manufacturing certificate” means a certificate that authorizes the manufacture and storage of the type of industrial explosive to be acquired or manufactured.

“user”
« *utilisateur* »

“user” means a person who acquires industrial explosives for use.

RULES FOR SELLERS

Acquisition for sale

214. A seller may acquire, store and sell industrial explosives if they hold a licence. A seller who acquires industrial explosives must comply with this Part.

Storage

215. A seller must store their industrial explosives in the magazine specified in their licence.

No display for sale

216. A seller must not display industrial explosives for sale.

Sale — authorized buyer

217. (1) A seller may sell industrial explosives only to a buyer who holds a licence or a manufacturing certificate or who is authorized by a competent provincial or territorial authority to store industrial explosives at a mine site or quarry.

Maximum quantity

(2) A seller must not sell more industrial explosives to a buyer than the buyer is authorized by their licence, certificate or provincial or territorial authorization to store.

Information on packaging

218. (1) A seller must mark the number of the buyer’s licence, manufacturing certificate or provincial or territorial authorization in a clear and permanent manner

- (a) on the outer packaging or container of the explosives if the outer packaging or the container is sealed; or
- (b) on the inner packaging of each explosive or each reel of detonating cord if the outer packaging or the container is not sealed.

Exception

(2) Subsection (1) does not apply to intermediate bulk containers or containers holding bulk explosives.

Record of sale

219. A seller must keep a record of each sale of industrial explosives for two years after the date of the sale. The record must include the following information:

- (a) the buyer's name and address;
- (b) the number of buyer's licence, certificate or authorization;
- (c) the type, trade name and dimensions of each explosive sold and name of the person who obtained its authorization;
- (d) the quantity of explosives sold under each trade name; and
- (e) the date of the sale.

Reuse of packaging

220. (1) A seller must ensure that any packaging or container that has been used for industrial explosives is not reused unless

- (a) it is in good condition;
- (b) it contains no explosive residue;
- (c) it is reused for the same type of explosive that it previously contained; and
- (d) all information on the packaging or container remains accurate.

Packaging — nitroglycerine-based explosive

(2) A seller must ensure that any packaging or container that has been used for a nitroglycerine-based explosive or any other explosive that is manufactured from a liquid explosive is destroyed (for example, by breaking the packaging or container) as soon as the circumstances permit after the packaging or container is emptied.

Packaging — in poor condition

(3) A seller must ensure that any packaging or container that is not in good condition when it is emptied of explosives is destroyed (for example, by breaking the packaging or container) as soon as the circumstances permit.

Exception

(4) Subsection (3) does not apply to intermediate bulk containers or containers holding bulk explosives.

RULES FOR USERS

Acquisition

221. A user may acquire and store industrial explosives if they hold a licence or a manufacturing certificate or are authorized by a competent provincial or territorial authority to store such explosives at a mine site or quarry. A user who acquires industrial explosives must comply with this Part.

Information on packaging

222. A user who acquires industrial explosives that are in a sealed container or sealed outer packaging must, after opening the packaging or container, mark the number of their licence, certificate or authorization in a clear and permanent manner on the inner packaging of each explosive or on each reel of detonating cord.

Storage

223. (1) A user who holds a licence must store their industrial explosives in the magazine specified in their licence.

Explosives to be attended

(2) A user who holds a licence or a manufacturing certificate must ensure that their industrial explosives are attended when they are at a site of use.

Exception

(3) Subsections (1) and (2) do not apply to industrial explosives that are stored on offshore platforms for use in offshore oil or gas wells.

Reuse of packaging

224. (1) A user must ensure that any packaging or container that has been used for industrial explosives is not reused unless

- (a) it is in good condition;
- (b) it contains no explosive residue;
- (c) it is reused for the same type of explosive that it previously contained; and
- (d) all information on the packaging or container remains accurate.

Packaging — nitroglycerine-based explosive

(2) A user must ensure that any packaging or container that has been used for a nitroglycerine-based explosive or any other explosive that is manufactured from a liquid explosive is destroyed so that it cannot be reused (for example, by breaking the packaging or container) as soon as the circumstances permit after the packaging or container is emptied.

Packaging not in good condition

(3) A user must ensure that any packaging or container that is not in good condition when it is emptied of explosives is destroyed so that it cannot be reused (for example, by breaking the packaging or container) as soon as the circumstances permit.

Exception

- (4) Subsection (3) does not apply to intermediate bulk containers or containers holding bulk explosives.

PART 12

POWER DEVICE CARTRIDGES

Overview

225. This Part authorizes the acquisition, storage and sale of power device cartridges (type C.2). Division 1 sets out the rules for sellers, while Division 2 sets out the rules for users.

Definitions

- 226.** (1) The following definitions apply in this Part.

“distributor”

« *distributeur* »

“distributor” means a person who sells power device cartridges to other distributors or to retailers, whether or not they sell to users.

“licence”

« *licence* »

“licence” means a licence that authorizes the storage of power device cartridges.

“retailer”

« *détaillant* »

“retailer” means a person, other than a distributor, who sells power device cartridges.

“seller”

« *vendeur* »

“seller” means a distributor or a retailer.

“user”

« *utilisateur* »

“user” means a person who acquires power device cartridges for use.

Storage

- (2) For the purposes of this Part, power device cartridges are stored in a sales establishment if they are

- (a) inside the sales establishment, whether they are in a storage unit or exposed for sale;
- (b) outside the sales establishment in a storage unit that is used in operating the establishment;
or
- (c) in a licensed magazine that is either inside or outside the establishment.

DIVISION 1

RULES FOR SELLERS

Acquisition for Sale

Distributor

227. (1) A distributor may acquire, store and sell power device cartridges if they hold a licence. A distributor who acquires power device cartridges must comply with this Division.

Retailer

(2) A retailer may acquire, store and sell power device cartridges, whether or not they hold a licence. A retailer who acquires power device cartridges must comply with this Division.

Storage

Licensed seller

228. (1) A seller who holds a licence must store their power device cartridges in the magazine specified in their licence.

Unlicensed retailer

(2) A retailer who does not hold a licence must store their power device cartridges in a sales establishment and must ensure that the requirements of sections 229 to 231 are met.

No display for sale

229. (1) Power device cartridges must not be displayed for sale in a dwelling.

Display for sale

(2) Power device cartridges that are displayed for sale in a sales establishment other than a dwelling must be kept behind a sales counter or locked up (for example, in a cabinet).

Access

(3) Only people authorized by the retailer may have access to the area behind a sales counter.

Maximum quantity — dwelling

230. (1) In the case of a sales establishment that is a dwelling, no more than 50 000 power device cartridges may be stored at any one time.

Maximum quantity — other sales establishment

(2) In the case of a sales establishment that is not a dwelling, no more than 150 000 power device cartridges may be stored at any one time, including those that are displayed for sale. Power device cartridges that are not displayed for sale must be stored in a storage unit.

Storage requirements — dwelling

231. (1) When power device cartridges are stored in a dwelling, they must be stored away from flammable substances and sources of ignition, in a manner that protects them from theft and ensures that access to them is limited to people authorized by the retailer.

Storage requirements — storage unit

(2) When power device cartridges are stored in a storage unit,

(a) the storage unit must be located in a dry place, away from flammable substances and sources of ignition;

(b) the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;

(c) if the storage unit is a container, it must not impede exit in case of fire;

(d) if the storage unit is not a container, all exits must be kept unobstructed;

(e) any shelving in the storage unit must be made from a non-sparking material (for example, wood or painted metal);

(f) only power device cartridges may be stored in the storage unit;

(g) the storage unit must be attended when it is unlocked;

(h) the storage unit must be kept clean, dry, organized and free of grit;

(i) any spill, leakage or other contamination in the storage unit must be cleaned up immediately;

(j) precautions that minimize the likelihood of fire in or near the storage unit must be taken; and

(k) a sign that displays the words "Danger — Fire Hazard/Risque d'incendie" in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

Sale

Maximum quantity — licensed buyer

232. (1) A seller must not sell more power device cartridges to a licensed buyer than the buyer is authorized by their licence to store.

Maximum quantity — unlicensed buyer

(2) A seller must not sell more power device cartridges to an unlicensed buyer than the buyer is authorized by this Part to store.

Retailer

233. A retailer may sell power device cartridges only to users.

DIVISION 2

RULES FOR USERS

Acquisition

234. A user may acquire and store power device cartridges, whether or not they hold a licence. A user who acquires power device cartridges must comply with this Division.

Storage — licensed user

235. (1) A user who holds a licence must store their power device cartridges in the magazine specified in their licence.

Storage — unlicensed user

(2) A user who does not hold a licence must store their power device cartridges in a dwelling or a storage unit and must ensure that the storage requirements of sections 236 and 237 are met.

Maximum quantity

236. No more than 50 000 power device cartridges may be stored at any one time.

Storage requirements — dwelling

237. (1) When power device cartridges are stored in a dwelling, they must be stored away from flammable substances and sources of ignition, in a manner that protects them from theft and ensures that access to them is limited to people authorized by the user.

Storage requirements — storage unit

(2) When power device cartridges are stored in a storage unit,

(a) the storage unit must be located in a dry place, away from flammable substances and sources of ignition;

(b) the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;

(c) if the storage unit is a container, it must not impede exit in case of fire;

(d) if the storage unit is not a container, all exits must be kept unobstructed;

(e) any shelving in the storage unit must be made from a non-sparking material (for example, wood or painted metal);

(f) only power device cartridges may be stored in the storage unit;

(g) the storage unit must be attended when it is unlocked;

(h) the storage unit must be kept clean, dry, organized and free of grit;

(i) any spill, leakage or other contamination in the storage unit must be cleaned up immediately;

(j) precautions that minimize the likelihood of fire in or near the storage unit must be taken; and

(k) a sign that displays the words "Danger — Fire Hazard/Risque d'incendie" in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

PART 13

SPECIAL PURPOSE EXPLOSIVES

Overview

238. This Part authorizes the acquisition, storage and sale of special purpose explosives. Division 1 sets out the rules for sellers and users of low-hazard special purpose explosives (type S.1: for example, highway flares, personal distress flares, bird scaring cartridges and fire extinguisher cartridges). Division 2 sets out the rules for sellers and users of high-hazard special purpose explosives (type S.2: for example, avalanche air bag systems, explosive bolts and cable cutters). Division 3 deals with the destruction of expired marine flares (type S.1 or S.2).

Definitions

239. (1) The following definitions apply in this Part.

“distributor”
« *distributeur* »

“distributor” means a person who sells special purpose explosives to other distributors or to retailers, whether or not they sell to users.

“retailer”
« *détaillant* »

“retailer” means a person, other than a distributor, who sells special purpose explosives.

“seller”
« *vendeur* »

“seller” means a distributor or a retailer.

“user”
« *utilisateur* »

“user” means a person who acquires special purpose explosives for use.

Storage

(2) For the purposes of this Part, special purpose explosives are stored in a sales establishment if the explosives are

- (a) inside the sales establishment, whether in a storage unit or displayed for sale;
- (b) outside the sales establishment in a storage unit that is used in operating the establishment;
or
- (c) in a licensed magazine that is either inside or outside the establishment.

Explosives quantity

240. A reference to a mass of special purpose explosives in this Part is a reference to their gross mass (the mass of the explosives plus the mass of any packaging or container).

DIVISION 1

LOW-HAZARD SPECIAL PURPOSE EXPLOSIVES

Definition of “licence”

241. In this Division, “licence” means a licence that authorizes the storage of low-hazard special purpose explosives.

Rules for Sellers

Acquisition for Sale

Distributor

242. (1) A distributor may acquire, store and sell low-hazard special purpose explosives if they hold a licence. A distributor who acquires low-hazard special purpose explosives must comply with this Division.

Retailer

(2) A retailer may acquire, store and sell low-hazard special purpose explosives, whether or not they hold a licence. A retailer who acquires low-hazard special purpose explosives must comply with this Division.

Storage

Licensed seller

243. (1) A seller who holds a licence must store their low-hazard special purpose explosives in the magazine specified in their licence.

Unlicensed retailer

(2) A retailer who does not hold a licence must store their low-hazard special purpose explosives in a sales establishment other than a dwelling and ensure that the requirements of sections 244 to 246 are

met.

Display for sale

244. (1) Only highway flares, marine flares and personal distress flares may be displayed for sale.

Maximum quantity

(2) No more than 1 000 kg of flares may be displayed for sale at any one time.

Precautions

(3) Flares that are displayed for sale must be kept behind a sales counter or locked up (for example, in a cabinet) unless the flares are in consumer packs.

Access

(4) Only people authorized by the retailer may have access to the area behind a sales counter.

Lots

(5) Flares that are displayed for sale must be separated into lots of 25 kg or less. Each lot must be separated from the other lots by a fire break. The lots must be kept away from flammable substances and sources of ignition.

Maximum quantity

245. (1) No more than 1 000 kg of low-hazard special purpose explosives may be stored in a sales establishment at any one time, including those that are displayed for sale. If the sales establishment is located in a building that contains a dwelling, no more than 100 kg may be stored in the establishment at any one time, including explosives that are displayed for sale.

Place of storage

(2) Low-hazard special purpose explosives that are not displayed for sale must be stored in a storage unit.

Storage unit requirements

246. When low-hazard special purpose explosives are stored in a storage unit,

- (a) the storage unit must be located in a dry place, away from flammable substances and sources of ignition;
- (b) the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;
- (c) if the storage unit is a container, it must not impede exit in case of fire;
- (d) if the storage unit is not a container, all exits must be kept unobstructed;
- (e) any shelving in the storage unit must be constructed from a non-sparking material (for example, wood or painted metal);
- (f) only special purpose explosives may be stored in the storage unit;
- (g) the storage unit must be attended when it is unlocked;
- (h) the storage unit must be kept clean, dry, organized and free of grit;
- (i) any spill, leakage or other contamination in the storage unit must be cleaned up immediately;
- (j) precautions that minimize the likelihood of fire in or near the storage unit must be taken; and
- (k) a sign that displays the words "Danger — Fire Hazard/Risque d'incendie" in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

Sale

No sale from dwelling

247. A seller must not sell low-hazard special purpose explosives from a dwelling.

Maximum quantity — licensed buyer

248. (1) A seller must not sell more low-hazard special purpose explosives to a licensed buyer than the buyer is authorized by their licence to store.

Maximum quantity — unlicensed buyer

(2) A seller must not sell more low-hazard special purpose explosives to an unlicensed buyer than the buyer is authorized by this Division to store.

Retailer

249. A retailer may sell low-hazard special purpose explosives only to a user.

Record of sale

250. A seller must keep a record of every sale of more than 100 kg of low-hazard special purpose explosives. The record must be kept for two years after the date of the sale and must include the following information:

- (a) the buyer's name and address;
- (b) in the case of a licensed buyer, the licence number and expiry date;
- (c) the trade name of each explosive sold and the name of the person who obtained its authorization;
- (d) the quantity of explosives sold under each trade name; and
- (e) the date of the sale.

Rules for Users

Acquisition

251. A user may acquire and store low-hazard special purpose explosives, whether or not they hold a licence. A user who acquires low-hazard special purpose explosives must comply with this Division.

Storage — licensed user

252. (1) A user who holds a licence must store their low-hazard special purpose explosives in the magazine specified in their licence.

Storage — unlicensed user

(2) A user who does not hold a licence must store their low-hazard special purpose explosives in a dwelling or a storage unit and ensure that the requirements of sections 253 and 254 are met.

Maximum quantity

253. No more than 1 000 kg of low-hazard special purpose explosives may be stored at any one time, of which no more than 40 kg may be stored in a dwelling.

Storage requirements — dwelling

254. (1) When low-hazard special purpose explosives are stored in a dwelling, they must be stored away from flammable substances and sources of ignition, in a manner that protects them from theft and ensures that access to them is limited to people authorized by the user.

Storage requirements — storage unit

(2) When low-hazard special purpose explosives are stored in a storage unit,

- (a) the storage unit must be located in a dry place, away from flammable substances and sources of ignition;
- (b) the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;
- (c) if the storage unit is a container, it must not impede exit in case of fire;
- (d) if the storage unit is not a container, all exits must be kept unobstructed;
- (e) any shelving in the storage unit must be made from a non-sparking material (for example, wood or painted metal);
- (f) only special purpose explosives may be stored in the storage unit;
- (g) the storage unit must be attended when it is unlocked;
- (h) the storage unit must be kept clean, dry, organized and free of grit;
- (i) any spill, leakage or other contamination in the storage unit must be cleaned up immediately;
- (j) precautions that minimize the likelihood of fire in or near the storage unit must be taken; and

(k) a sign that displays the words "Danger — Fire Hazard/Risque d'incendie" in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

DIVISION 2

HIGH-HAZARD SPECIAL PURPOSE EXPLOSIVES

Definition of "licence"

255. In this Division, "licence" means a licence that authorizes the storage of high-hazard special purpose explosives.

Rules for Sellers

Acquisition for Sale and Storage

Acquisition for sale

256. A seller may acquire, store and sell high-hazard special purpose explosives if they hold a licence. A seller who acquires high-hazard special purpose explosives must comply with this Division.

Storage

257. A seller must store their high-hazard special purpose explosives in the magazine specified in their licence.

Display for sale

258. A seller must not display high-hazard special purpose explosives for sale.

Sale

Maximum quantity — licensed buyer

259. (1) A seller must not sell more high-hazard special purpose explosives to a licensed buyer than the buyer is authorized by their licence to store.

Maximum quantity — unlicensed buyer

(2) A seller must not sell more high-hazard special purpose explosives to an unlicensed buyer than the buyer is authorized by this Division to store.

Retailer

260. A retailer may sell high-hazard special purpose explosives only to a user.

Record of sale

261. A seller must keep a record of every sale of high-hazard special purpose explosives for two years after the date of the sale. The record must include the following information:

- (a) the buyer's name and address;
- (b) in the case of a licensed buyer, the licence number and expiry date;
- (c) the trade name of each explosive sold and the name of the person who obtained its authorization;
- (d) the quantity of explosives sold under each trade name; and
- (e) the date of the sale.

Rules for Users

Acquisition

262. A user may acquire and store high-hazard special purpose explosives, whether or not they hold a licence. A user who acquires high-hazard special purpose explosives must comply with this Division.

Storage — licensed user

263. (1) A user who holds a licence must store their high-hazard special purpose explosives in the magazine specified in their licence.

Storage — unlicensed user

(2) A user who does not hold a licence must store their high-hazard special purpose explosives in a storage unit and ensure that the requirements of sections 264 and 265 are met.

Maximum quantity

264. No more than 20 kg of high-hazard special purpose explosives may be stored at any one time.

Storage unit requirements

265. When high-hazard special purpose explosives are stored in a storage unit,

- (a) the storage unit must be located in a dry place, away from flammable substances and sources of ignition;
- (b) the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;
- (c) if the storage unit is a container, it must not impede exit in case of fire;
- (d) if the storage unit is not a container, all exits must be kept unobstructed;
- (e) any shelving in the storage unit must be made from a non-sparking material (for example, wood or painted metal);
- (f) only special purpose explosives may be stored in the storage unit;
- (g) the storage unit must be attended when it is unlocked;
- (h) the storage unit must be kept clean, dry, organized and free of grit;
- (i) any spill, leakage or other contamination in the storage unit must be cleaned up immediately;
- (j) precautions that minimize the likelihood of fire in or near the storage unit must be taken; and
- (k) a sign that displays the words "Danger — Fire Hazard/Risque d'incendie" in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

DIVISION 3

MARINE FLARES

Disposal plan

266. (1) A distributor who sells marine flares, whether low-hazard or high-hazard, must implement the marine flare disposal plan included in their licence application.

Return of flares

(2) A distributor must accept the return of any marine flares sold by them that have expired.

Destruction

(3) The distributor must store any expired marine flares that are returned to them in the magazine specified in their licence and destroy them in a manner that does not increase the likelihood of an accidental ignition during or after the destruction.

Annual report

(4) If any expired marine flares are returned during a calendar year, the distributor must submit to the Chief Inspector of Explosives, by March 31 of the following year, a report that sets out the number of each type returned, whether low-hazard or high-hazard, and the number of each type destroyed during the calendar year.

PART 14

SMALL ARMS CARTRIDGES, PROPELLANT POWDER AND PERCUSSION CAPS

Overview

267. This Part authorizes the acquisition, storage and sale of small arms cartridges and the manufacture of small arms cartridges and black powder cartouches. Division 1 sets out the rules for sellers and users of small arms cartridges (type C.1). Division 2 sets out the rules for sellers and users of propellant powder (type P) and percussion caps (also known as primer) (type C.3) and for manufacturers of small arms cartridges and black powder cartouches.

Definitions

268. (1) The following definitions apply in this Part.

"black powder"
« *poudre noire* »

"black powder" means an explosive classified as type P.1.

"propellant powder"
« *poudre propulsive* »

“propellant powder” means black powder and smokeless powder.

“small arms cartridge”

« *cartouche pour armes de petit calibre* »

“small arms cartridge” means a cartridge that is designed to be used in small arms, has a calibre of no more than 12.7 mm (.50 calibre), is fitted with centre or rim fire priming and contains a propelling charge, with or without a solid projectile. It includes a shotgun shell of any gauge.

“smokeless powder”

« *poudre sans fumée* »

“smokeless powder” means an explosive classified as type P.2.

Storage

(2) For the purposes of this Part, small arms cartridges, propellant powder and percussion caps are stored in a sales establishment if they are

- (a) inside the sales establishment, whether they are in a storage unit or displayed for sale;
- (b) outside the sales establishment in a storage unit that is used in operating the establishment;
or
- (c) in a licensed magazine that is either inside or outside the establishment.

Quantity of cartridges, powder or caps

269. A reference in this Part to a mass of small arms cartridges or propellant powder is a reference to their net quantity (the mass of the explosives excluding the mass of any packaging, container, shell casing or projectile).

DIVISION 1

SMALL ARMS CARTRIDGES

Definitions

270. The following definitions apply in this Division.

“distributor”

« *distributeur* »

“distributor” means a person who sells small arms cartridges to other distributors or to retailers, whether or not they sell to users.

“licence”

« *licence* »

“licence” means a licence that authorizes the storage of small arms cartridges.

“retailer”

« *détaillant* »

“retailer” means a person, other than a distributor, who sells small arms cartridges.

“seller”

« *vendeur* »

“seller” means a distributor or a retailer.

“user”

« *utilisateur* »

“user” means a person who acquires small arms cartridges for use.

Rules for Sellers

Acquisition for Sale

Distributor

271. (1) A distributor may acquire, store and sell small arms cartridges if they hold a licence. A distributor who acquires small arms cartridges must comply with this Division.

Retailer

(2) A retailer may acquire, store and sell small arms cartridges, whether or not they hold a licence. A retailer who acquires small arms cartridges must comply with this Division.

Storage

Licensed seller

272. (1) A seller who holds a licence must store their small arms cartridges in the magazine specified in their licence.

Unlicensed retailer

(2) A retailer who does not hold a licence must store their small arms cartridges in a sales establishment and must ensure that the requirements of sections 273 to 275 are met.

Attendance

273. (1) When a sales establishment is unlocked, small arms cartridges that are displayed for sale must be attended, kept behind a sales counter or locked up (for example, in a cabinet).

Access

(2) Only people authorized by the retailer may have access to the area behind a sales counter.

Maximum quantity

274. (1) No more than 225 kg of small arms cartridges may be stored in a sales establishment at any one time, including cartridges that are displayed for sale.

Place of storage

(2) Small arms cartridges that are not displayed for sale must be stored in a dwelling or a storage unit.

Storage requirements — dwelling

275. (1) When small arms cartridges are stored in a dwelling, they must be stored away from flammable substances and sources of ignition, in a manner that protects them from theft and ensures that access to them is limited to people authorized by the retailer.

Storage requirements — storage unit

(2) When small arms cartridges are stored in a storage unit,

(a) the storage unit must be located in a dry place, away from flammable substances and sources of ignition;

(b) the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;

(c) if the storage unit is a container, it must not impede exit in case of fire;

(d) if the storage unit is not a container, all exits must be kept unobstructed;

(e) any shelving in the storage unit must be made from a non-sparking material (for example, wood or painted metal);

(f) only propellant powder and percussion caps may be stored with the small arms cartridges;

(g) small arms cartridges, propellant powder and percussion caps must be stored separately from one another (for example, on different shelves or separated by a wooden barrier);

(h) the storage unit must be attended when it is unlocked;

(i) the storage unit must be kept clean, dry, organized and free of grit;

(j) any spill, leakage or other contamination in the storage unit must be cleaned up immediately;

(k) precautions that minimize the likelihood of fire in or near the storage unit must be taken; and

(l) a sign that displays the words "Danger — Fire Hazard/Risque d'incendie" in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

Sale

Maximum quantity — licensed buyer

276. (1) A seller must not sell more small arms cartridges to a licensed buyer than the buyer is authorized by their licence to store.

Maximum quantity — unlicensed buyer

(2) A seller must not sell more small arms cartridges to an unlicensed buyer than the buyer is authorized by this Division to store.

Retailer

277. A retailer may sell small arms cartridges only to a user.

Rules for Users

Acquisition

278. A user may acquire and store small arms cartridges, whether or not they hold a licence. A user who acquires small arms cartridges must comply with this Division.

Storage — licensed user

279. (1) A user who holds a licence must store their small arms cartridges in the magazine specified in their licence.

Storage — unlicensed user

(2) A user who does not hold a licence must store their small arms cartridges in a dwelling or a storage unit and ensure that

(a) in the case of small arms cartridges that do not contain black powder, the requirements of sections 280 and 281 are met; and

(b) in the case of small arms cartridges that contain black powder, the requirements of sections 299 to 304 are met.

Maximum quantity

280. No more than 225 kg of small arms cartridges that do not contain black powder may be stored at any one time.

Storage requirements — dwelling

281. (1) When small arms cartridges that do not contain black powder are stored in a dwelling, they must be stored away from flammable substances and sources of ignition, in a manner that protects them from theft and ensures that access to them is limited to people authorized by the user.

Storage requirements — storage unit

(2) When small arms cartridges that do not contain black powder are stored in a storage unit,

(a) the storage unit must be located in a dry place, away from flammable substances and sources of ignition;

(b) the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;

(c) if the storage unit is a container, it must not impede exit in case of fire;

(d) if the storage unit is not a container, all exits must be kept unobstructed;

(e) any shelving in the storage unit must be made from a non-sparking material (for example, wood or painted metal);

(f) only propellant powder, percussion caps or black powder cartouches may be stored with the small arms cartridges;

(g) small arms cartridges, propellant powder, percussion caps and black powder cartouches must be stored separately from one another (for example, on different shelves or separated by a wooden barrier);

(h) the storage unit must be attended when it is unlocked;

(i) the storage unit must be kept clean, dry, organized and free of grit;

(j) any spill, leakage or other contamination in the storage unit must be cleaned up immediately;

(k) precautions that minimize the likelihood of fire in or near the storage unit must be taken; and

(l) a sign that displays the words "Danger — Fire Hazard/Risque d'incendie" in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

DIVISION 2

PROPELLANT POWDER AND PERCUSSION CAPS AND THE MANUFACTURE OF SMALL ARMS CARTRIDGES AND BLACK POWDER CARTOUCHES

Definitions

282. The following definitions apply in this Division.

“distributor”
« *distributeur* »

“distributor” means a person who sells propellant powder or percussion caps to other distributors or to retailers, whether or not they sell to users.

“licence”
« *licence* »

“licence” means a licence issued under the *Explosives Act* that authorizes the storage of the type of explosive, whether propellant powder, percussion caps, small arms cartridges or black powder cartouches, that are to be sold, acquired or manufactured.

“retailer”
« *détaillant* »

“retailer” means a person, other than a distributor, who sells propellant powder or percussion caps.

“seller”
« *vendeur* »

“seller” means a distributor or a retailer.

“user”
« *utilisateur* »

“user” means a person who acquires propellant powder or percussion caps for use.

Rules for Sellers Acquisition for Sale

Distributor

283. (1) A distributor may acquire, store and sell propellant powder and percussion caps if they hold a licence. A distributor who acquires propellant powder or percussion caps must comply with this Division.

Retailer

(2) A retailer may acquire, store and sell propellant powder and percussion caps, whether or not they hold a licence. A retailer who acquires propellant powder or percussion caps must comply with this Division.

Storage

Licensed seller

284. (1) A seller who holds a licence must store their propellant powder and percussion caps in the magazine specified in their licence.

Separate storage

(2) A seller must not store propellant powder and percussion caps in the same magazine.

Unlicensed retailer

285. A retailer who does not hold a licence must store their propellant powder and percussion caps in a sales establishment and must ensure that the requirements of sections 286 to 288 are met.

Display for sale — propellant powder

286. (1) No more than 12 kg of propellant powder, of which no more than 500 g may be black powder, may be displayed for sale.

Size of container

(2) Propellant powder that is displayed for sale must be in a container that holds no more than 500 g.

Display for sale — percussion caps

(3) No more than 10 000 percussion caps may be displayed for sale.

Original packaging

(4) Percussion caps that are displayed for sale must be in their original packaging.

Precautions

(5) Propellant powder and percussion caps that are displayed for sale must be kept behind a counter or locked up (for example, in a cabinet).

Access

(6) Only people authorized by the retailer may have access to the area behind a sales counter.

Maximum quantity

287. (1) No more than 12 kg of propellant powder may be stored at a sales establishment at any one time, including powder that is displayed for sale.

Place of storage

(2) Propellant powder and percussion caps that are not displayed for sale must be stored in a dwelling or a storage unit.

Original packaging

(3) Percussion caps that are stored in a dwelling or a storage unit must be in their original packaging.

Storage requirements — dwelling

288. (1) When propellant powder or percussion caps are stored in a dwelling, they must be stored away from flammable substances and sources of ignition, in a manner that protects them from theft and ensures that access to them is limited to people authorized by the retailer.

Storage requirements — storage unit

(2) When propellant powder or percussion caps are stored in a storage unit,

(a) the storage unit must be located in a dry place, away from flammable substances and sources of ignition;

(b) the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;

(c) if the storage unit is a container, it must not impede exit in case of fire;

(d) if the storage unit is not a container, all exits must be kept unobstructed;

(e) any shelving in the storage unit must be made from a non-sparking material (for example, wood or painted metal);

(f) only small arms cartridges may be stored with propellant powder or percussion caps;

(g) propellant powder, percussion caps and small arms cartridges must be stored separately from one another (for example, on different shelves or separated by a wooden barrier);

(h) the storage unit must be attended when it is unlocked;

(i) the storage unit must be kept clean, dry, organized and free of grit;

(j) any spill, leakage or other contamination in the storage unit must be cleaned up immediately;

(k) precautions that minimize the likelihood of fire in or near the storage unit must be taken; and

(l) a sign that displays the words "Danger — Fire Hazard/Risque d'incendie" in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

Transfer of powder

289. A seller must not transfer propellant powder from one container to another for the purpose of sale unless their licence authorizes them to do so.

Sale

Notification of Chief Inspector

290. A retailer who does not hold a licence must, before beginning to sell propellant powder, send the Chief Inspector of Explosives a written notice that sets out their name, address, telephone number, fax number and email address and the date on which they will begin to sell. The retailer must also send the Chief Inspector a written notice as soon as the circumstances permit when they stop selling propellant powder.

Original packaging

291. A seller may sell percussion caps only if they are in their original packaging.

Maximum quantity — licensed buyer

292. (1) A seller must not sell more propellant powder or percussion caps to a licensed buyer than the buyer is authorized by their licence to store.

Maximum quantity – unlicensed retailer

(2) A seller must not sell more propellant powder to an unlicensed buyer than the buyer is authorized by this Division to store.

Retailer

293. A retailer may sell propellant powder or percussion caps only to a user.

Identification

294. (1) Before selling propellant powder to a buyer, the seller must require the buyer to establish their identity by providing

(a) a piece of identification issued by the Government of Canada, or a provincial, municipal or foreign government, that bears a photograph of the buyer, or

(b) two pieces of identification, each of which sets out the buyer's name, at least one of which is issued by the Government of Canada or a provincial, municipal or foreign government and at least one of which sets out the buyer's address.

Verification of identity

(2) If the buyer provides a piece of identification that bears a photograph, the seller must ensure, before selling the propellant powder, that the photograph is that of the buyer.

Record of sale

295. A seller must keep a record of each sale of propellant powder for two years after the date of the sale. The record must include the following information:

(a) the buyer's name and address or the number of their licence, if any, issued under the *Firearms Act*;

(b) in the case of a licensed buyer, the licence number and expiry date;

(c) the type and trade name of the powder sold, the size of the container in which it was sold and the name of the person who obtained its authorization;

(d) the quantity of powder sold under each trade name; and

(e) the date of the sale.

Rules for Users

Acquisition

Acquisition

296. A user may acquire and store propellant powder and percussion caps, whether or not they hold a licence. A user may manufacture small arms cartridges and black powder cartouches for their own personal use and may store them, whether or not they hold a licence. A user who acquires propellant powder or percussion caps or manufactures small arms cartridges or black powder cartouches must comply with this Division.

Note: Part 5 regulates the commercial manufacture of small arms cartridges.

Storage

Licensed user

297. (1) A user who holds a licence must store their propellant powder, percussion caps, small arms cartridges and black powder cartouches in the magazine specified in their licence.

Separate storage

(2) A user must not store propellant powder and percussion caps in the same magazine.

Unlicensed user

298. (1) A user who does not hold a licence must store their propellant powder, percussion caps, small arms cartridges that contain black powder and black powder cartouches in a dwelling or a storage unit and ensure that the requirements of sections 299 to 304 are met.

Small arms cartridges that contain no black powder

(2) A user who does not hold a licence and who manufactures small arms cartridges that do not contain black powder must store the cartridges in a dwelling or a storage unit and ensure that the requirements of sections 280 and 281 are met.

Percussion caps

299. (1) Percussion caps must be stored in their original packaging.

Smokeless powder

(2) Smokeless powder must be stored in its original container or in small arms cartridges.

Black powder

(3) Black powder must be stored in its original container, in small arms cartridges or in black powder cartouches.

Maximum quantity

300. The maximum quantity of propellant powder that may be stored by a user at any one time under sections 301 to 303 is reduced by the quantity of any propellant powder that the user is storing under section 376 and any quantity they are storing under section 390.

Detached dwelling

301. No more than 25 kg of propellant powder, of which no more than 5 kg may be black powder, may be stored at any one time in a detached dwelling or a storage unit that is attached to a dwelling.

Other dwellings — smokeless powder

302. (1) The maximum quantity of smokeless powder that may be stored at any one time in a dwelling that is located in a building containing other dwellings is

- (a) 20 kg, if all the powder is in containers that hold no more than 1 kg; or
- (b) 5 kg, if any of the powder is in a container that holds more than 1 kg.

Other dwellings — black powder

(2) The maximum quantity of black powder that may be stored at any one time in a dwelling that is located in a building containing other dwellings is

- (a) 1 kg, if the black powder is in containers; or
- (b) 3 kg less any quantity that is in containers, if the black powder is in small arms cartridges or black powder cartouches.

Detached storage unit

303. The maximum quantity of propellant powder that may be stored at any one time in a detached storage unit is 75 kg, less any quantity that is stored in a place referred to in section 301 and any quantity that is stored in a place referred to in section 302.

Storage requirements — dwelling

304. (1) When propellant powder, percussion caps, small arms cartridges that contain black powder or black powder cartouches are stored in a dwelling, they must be stored away from flammable substances and sources of ignition, in a manner that protects them from theft and ensures that access to them is limited to people authorized by the user.

Storage requirements — storage unit

(2) When propellant powder, percussion caps, small arms cartridges that contain black powder or black powder cartouches are stored in a storage unit,

- (a) the storage unit must be located in a dry place, away from flammable substances and sources of ignition;
- (b) the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;
- (c) if the storage unit is a container, it must not impede exit in case of fire;
- (d) if the storage unit is not a container, all exits must be kept unobstructed;
- (e) any shelving in the storage unit must be made from a non-sparking material (for example, wood or painted metal);
- (f) only propellant powder, percussion caps, small arms cartridges and black powder cartouches may be stored in the storage unit;
- (g) propellant powder, percussion caps, small arms cartridges and black powder cartouches must be stored separately from one another (for example, on different shelves or separated by a wooden barrier);
- (h) the storage unit must be attended when it is unlocked;

- (i) the storage unit must be kept clean, dry, organized and free of grit;
- (j) any spill, leakage or other contamination in the storage unit must be cleaned up immediately;
- (k) precautions that minimize the likelihood of fire in or near the storage unit must be taken; and
- (l) a sign that displays the words "Danger — Fire Hazard/Risque d'incendie" in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

Manufacture

Age

305. (1) A person who manufactures small arms cartridges or black powder cartouches must be at least 18 years old or under the supervision of a person who is at least 18 years old.

Requirements

(2) A person who manufactures small arms cartridges or black powder cartouches must ensure that the following requirements are met:

- (a) the place where the manufacturing is carried out must have a means of escape that will permit all people in the place to leave it quickly and easily in an emergency;
- (b) precautions that minimize the likelihood of an ignition must be taken;
- (c) all containers of explosives must be labelled to identify their contents and must be kept closed when not in use;
- (d) no more than 2 kg of smokeless powder may be within 1 m of the loading area;
- (e) no more than 500 g of black powder may be within 1 m of the loading area;
- (f) the small arms cartridges must not include a tracer, incendiary or similar military component or device (for example, an armour piercing projectile); and
- (g) no more than 150 percussion caps may be kept in the loader mechanism of the reloading equipment.

Classification of explosives

(3) For the purposes of transporting small arms cartridges or black powder cartouches manufactured under this Division, the small arms cartridges are classified as UN 0012 and the black powder cartouches are classified as UN 0014.

PART 15

MODEL AND HIGH-POWER ROCKET MOTORS

Overview

306. This Part authorizes the acquisition, storage and sale of rocket motors, reloading kits and igniters. Division 1 sets out the rules for sellers and users of model rocket motors (type R.1), model rocket motor reloading kits (type R.1) and igniters for model rocket motors (type R.3). Division 2 sets out the rules for sellers and users of high-power rocket motors (type R.2), high-power rocket motor reloading kits (type R.2) and igniters for high-power rocket motors (type R.3).

Definitions

307. (1) The following definitions apply in this Part.

"distributor"
« distributeur »

"distributor" means a person who sells rocket motors, reloading kits or igniters to other distributors or to retailers, whether or not they sell to users.

"licence"
« licence »

"licence" means a licence that authorizes storage of the type of rocket motor, reloading kit or igniter to be sold or acquired.

"high-power rocket motor"
« moteur de fusée haute puissance »

"high-power rocket motor" means a recreational rocket motor with an impulse that is produced by combustion of a solid propellant and exceeds 160 newton-seconds but does not exceed 40 960

newton-seconds.

“model rocket motor”

« *moteur de fusée miniature* »

“model rocket motor” means a recreational rocket motor with an impulse that is produced by combustion of a solid propellant and does not exceed 160 newton-seconds.

“reloading kit”

« *trousse de rechargement* »

“reloading kit” means a package that contains a solid propellant and other components that are designed to be used in a reloadable rocket motor.

“retailer”

« *détaillant* »

“retailer” means a person, other than a distributor, who sells rocket motors, reloading kits or igniters.

“seller”

« *vendeur* »

“seller” means a distributor or a retailer.

“user”

« *utilisateur* »

“user” means a person who acquires rocket motors, reloading kits or igniters for use.

Storage

(2) For the purposes of this Part, rocket motors, reloading kits and igniters are stored in a sales establishment if they are

- (a) inside the establishment, whether they are in a storage unit or displayed for sale;
- (b) outside the establishment in a storage unit that is used in operating the establishment; or
- (c) in a licensed magazine that is either inside or outside the establishment.

Quantity of motors and kits

308. A reference to a mass of rocket motors or reloading kits in this Part is a reference to their gross mass (the mass of the motors or kits plus the mass of any packaging or container).

DIVISION 1

MODEL ROCKET MOTORS

Motor rockets, kits and igniters

309. In this Division, except in subsections 321(1) and 322(2), a reference to a rocket motor, a reloading kit or an igniter is a reference to a model rocket motor, a reloading kit for a model rocket motor or an igniter for a model rocket motor.

Rules for Sellers

Acquisition for Sale

Distributor

310. (1) A distributor may acquire, store and sell rocket motors, reloading kits and igniters if they hold a licence. A distributor who acquires rocket motors, reloading kits or igniters must comply with this Division.

Retailer

(2) A retailer may acquire, store and sell rocket motors, reloading kits and igniters, whether or not they hold a licence. A retailer who acquires rocket motors, reloading kits or igniters must comply with this Division.

Storage

Licensed seller

311. (1) A seller who holds a licence must store their rocket motors, reloading kits and igniters in the magazine specified in their licence.

Unlicensed retailer

(2) A retailer who does not hold a licence must store their rocket motors, reloading kits and igniters in a sales establishment and must ensure that the requirements of sections 312 to 315 are met.

Display for sale prohibited

312. (1) Rocket motors, reloading kits and igniters must not be displayed for sale in a dwelling.

Maximum quantity

(2) In the case of a sales establishment that is not a dwelling, no more than 25 kg of rocket motors and reloading kits (combined quantity) and no more than 300 igniters may be displayed for sale.

Precautions

(3) Rocket motors, reloading kits and igniters that are displayed for sale must be kept behind a sales counter or locked up (for example, in a cabinet) unless they are in consumer packs that meet the requirements of section 313.

Access

(4) Only people authorized by the retailer may have access to the area behind a sales counter.

Separation of motors, kits and igniters

(5) When displayed for sale, rocket motors and reloading kits that are not in consumer packs must be separated by a fire break, or kept at least 1 m apart, from igniters that are not in consumer packs.

Consumer packs

313. For the purposes of this Division, a consumer pack must meet the following requirements:

- (a) it must be of sufficient strength to withstand normal handling;
- (b) it must be designed so that it prevents a person who is handling it from being able to ignite the rocket motors, reloading kits or igniters it contains; and
- (c) it must be designed so that it prevents any shifting of the rocket motors, reloading kits or igniters during handling or transportation.

Maximum quantity

314. (1) No more than 200 kg of rocket motors and reloading kits (combined quantity) and no more than 2 500 igniters may be stored at any one time, including those that are displayed for sale.

Place of storage

(2) Rocket motors, reloading kits and igniters that are not displayed for sale must be stored in a dwelling or a storage unit.

Rocket with motor installed

(3) A model rocket in which a motor has been installed must not be stored.

Heat or dampness

(4) Rocket motors, reloading kits and igniters must not be exposed to heat or dampness that could cause them to deteriorate.

Storage requirements — dwelling

315. (1) When rocket motors, reloading kits or igniters are stored in a dwelling, they must be stored away from flammable substances and sources of ignition, in a manner that protects them from theft and ensures that access to them is limited to people authorized by the retailer.

Storage requirements — storage unit

- (2) When rocket motors, reloading kits or igniters are stored in a storage unit,
 - (a) the storage unit must be located in a dry place, away from flammable substances and sources of ignition;
 - (b) the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;
 - (c) if the storage unit is a container, it must not impede exit in case of fire;
 - (d) if the storage unit is not a container, all exits must be kept unobstructed;
 - (e) any shelving in the storage unit must be constructed from a non-sparking material (for example, wood or painted metal);
 - (f) only rocket motors, reloading kits and igniters may be stored in the storage unit;
 - (g) in the case of rocket motors, reloading kits or igniters that are not in consumer packs, the rocket motors and reloading kits must be stored separately from the igniters (for example, on different shelves or separated by a wooden barrier);

- (h) the storage unit must be attended when it is unlocked;
- (i) the storage unit must be kept clean, dry, organized and free of grit;
- (j) any spill, leakage or other contamination in the storage unit must be cleaned up immediately;
- (k) precautions that minimize the likelihood of fire in or near the storage unit must be taken; and
- (l) a sign that displays the words "Danger — Fire Hazard/Risque d'incendie" in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

Sale

Maximum quantity — licensed buyer

316. (1) A seller must not sell more rocket motors, reloading kits or igniters to a licensed buyer than the buyer is authorized by their licence to store.

Maximum quantity — unlicensed buyer

(2) A seller must not sell more rocket motors, reloading kits or igniters to an unlicensed buyer than the buyer is authorized by this Division to store.

Retailer

317. A retailer may sell rocket motors, reloading kits and igniters only to a user.

Table

318. A seller who sells rocket motors, reloading kits or igniters to a user must offer the user either a copy of the table at the end of this Part or a document that includes the same information.

Rules for Users

Acquisition

319. (1) A user who is at least 18 years old may acquire and store rocket motors, reloading kits and igniters, whether or not they hold a licence. A user who acquires rocket motors, reloading kits or igniters must comply with this Division.

Acquisition — at least 12 years old

(2) A user who is at least 12 years old may acquire and store single use rocket motors with an impulse that does not exceed 40 newtonseconds and igniters without a licence. A user who acquires such motors or igniters must comply with this Division.

Storage — licensed user

320. (1) A user who holds a licence must store their rocket motors, reloading kits and igniters in the magazine specified in their licence.

Storage — unlicensed user

(2) A user who does not hold a licence must store their rocket motors, reloading kits and igniters in a dwelling or a storage unit and must ensure that the requirements of sections 321 and 322 are met.

Maximum quantity

321. (1) No more than 200 kg of model rocket motors and reloading kits (combined quantity) and no more than 2 500 igniters may be stored at any one time. If high-power rocket motors or reloading kits are stored with model rocket motors or reloading kits, the combined quantity must not exceed 200 kg. If igniters for high-power rocket motors are stored with igniters for model rocket motors, the combined quantity must not exceed 2 500.

Maximum quantity — under 18 years old

(2) A user who is less than 18 years old may store no more than 6 single use rocket motors with an impulse that does not exceed 40 newton-seconds, and no more than 10 igniters.

Place of storage

(3) Rocket motors, reloading kits and igniters must be stored in a dwelling or a storage unit.

Rocket with motor installed

(4) A model rocket in which the motor has been installed must not be stored.

Storage requirements — dwelling

322. (1) When rocket motors, reloading kits or igniters are stored in a dwelling, they must be stored away from flammable substances and sources of ignition, in a manner that protects them from theft and

ensures that access to them is limited to people authorized by the user.

Storage requirements — storage unit

(2) When model rocket motors, reloading kits or igniters for model rocket motors are stored in a storage unit,

- (a) the storage unit must be located in a dry place, away from flammable substances and sources of ignition;
- (b) the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;
- (c) if the storage unit is a container, it must not impede exit in case of fire;
- (d) if the storage unit is not a container, all exits must be kept unobstructed;
- (e) any shelving in the storage unit must be made from a non-sparking material (for example, wood or painted metal);
- (f) only high-power rocket motors, reloading kits and igniters may be stored with the model rocket motors, reloading kits and igniters;
- (g) in the case of model rocket motors and high-power rocket motors, and the reloading kits or igniters for those motors, that are not in consumer packs, the rocket motors and reloading kits must be stored separately from the igniters (for example, on different shelves or separated by a wooden barrier);
- (h) the storage unit must be attended when it is unlocked;
- (i) the storage unit must be kept clean, dry, organized and free of grit;
- (j) any spill, leakage or other contamination in the storage unit must be cleaned up immediately;
- (k) precautions that minimize the likelihood of fire in or near the storage unit must be taken; and
- (l) a sign that displays the words "Danger — Fire Hazard/Risque d'incendie" in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

DIVISION 2

HIGH-POWER ROCKET MOTORS

Motor rockets, kits and igniters

323. In this Division, except in subsection 333(2), a reference to a rocket motor, a reloading kit or an igniter is a reference to a high-power rocket motor, a reloading kit for a high-power rocket motor or an igniter for a high-power rocket motor.

Rules for Sellers

Acquisition for Sale and Storage

Acquisition for sale

324. A seller may acquire, store and sell rocket motors, reloading kits and igniters for such motors, if they hold a licence. A seller who acquires rocket motors, reloading kits or igniters must comply with this Division.

Storage

325. A seller must store their rocket motors, reloading kits and igniters in the magazine specified in their licence.

No display for sale

326. A seller must not display high-power rocket motors or reloading kits for sale.

Sale

Maximum quantity — licensed buyer

327. (1) A seller must not sell more rocket motors, reloading kits or igniters to a licensed buyer than the buyer is authorized by their licence to store.

Maximum quantity — unlicensed buyer

(2) A seller must not sell more rocket motors, reloading kits or igniters to an unlicensed buyer than the buyer is authorized by this Division to store.

Retailer

328. A retailer may sell high-power rocket motors, reloading kits or igniters only to a user.

Record of sale

329. A seller must keep a record of every sale of a high-power rocket motor, reloading kit or igniter for two years after the date of the sale. The record must include the following information:

- (a) the buyer's name and address;
- (b) in the case of a licensed buyer, the licence number and expiry date;
- (c) the type, trade name and power level of each rocket motor and each reloading kit sold and the name of the person who obtained its authorization;
- (d) the trade name of each igniter sold and the name of the person who obtained its authorization;
- (e) the number of motors, kits and igniters sold under each trade name; and
- (f) the date of the sale.

Rules for Users

Acquisition

330. A user may acquire and store rocket motors, reloading kits and igniters, whether or not they hold a licence. A user who acquires rocket motors, reloading kits or igniters must comply with this Division.

Storage — licensed user

331. (1) A user who holds a licence must store their rocket motors, reloading kits and igniters in the magazine specified in their licence.

Storage — unlicensed user

(2) A user who does not hold a licence must store their rocket motors, reloading kits and igniters in a dwelling or a storage unit and ensure that the requirements of sections 332 to 334 are met.

Maximum quantity — dwelling

332. (1) In the case of storage in a dwelling, no more than 10 kg of rocket motors and reloading kits (combined quantity) and no more than 40 igniters may be stored at any one time.

Maximum quantity — storage unit

(2) In the case of storage in a storage unit, no more than 200 kg of rocket motors and reloading kits (combined quantity) and no more than 200 igniters may be stored at any one time.

Rocket with motor installed

(3) A high-power rocket in which a motor has been installed must not be stored.

Storage requirements — dwelling

333. (1) When rocket motors, reloading kits or igniters are stored in a dwelling, they must be stored away from flammable substances and sources of ignition, in a manner that protects them from theft and ensures that access to them is limited to people authorized by the user.

Storage requirements — storage unit

(2) When high-power rocket motors, or reloading kits or igniters for high-rocket motors, are stored in a storage unit,

- (a) the storage unit must be located in a dry place, away from flammable substances and sources of ignition;
- (b) the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;
- (c) if the storage unit is a container, it must not impede exit in case of fire;
- (d) if the storage unit is not a container, all exits must be kept unobstructed;
- (e) any shelving in the storage unit must be made from a non-sparking material (for example, wood or painted metal);
- (f) only model rocket motors, reloading kits and igniters may be stored with the high-power rocket motors, reloading kits and igniters;

- (g) in the case of model rocket motors and high-power rocket motors, and the reloading kits or igniters for those motors, that are not in consumer packs, the rocket motors and reloading kits must be stored separately from the igniters (for example, on different shelves or separated by a wooden barrier);
- (h) the storage unit must be attended when it is unlocked;
- (i) the storage unit must be kept clean, dry, organized and free of grit;
- (j) any spill, leakage or other contamination in the storage unit must be cleaned up immediately;
- (k) precautions that minimize the likelihood of fire in or near the storage unit must be taken; and
- (l) a sign that displays the words "Danger — Fire Hazard/Risque d'incendie" in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

Attendance

334. Rocket motors, reloading kits and igniters must be attended when they are not in storage.

TABLE USING MODEL ROCKETS

Construction — With the exception of reloadable motors, never use metal in a model rocket. Use only lightweight material such as paper, wood, plastic or rubber. The rocket must have an aerodynamic profile to ensure a safe and stable flight.

Motors — Always follow the recommendations of the manufacturer when using commercially-made rocket motors. Never alter the motors. If the model rocket has more than one motor, the maximum combined impulse must not be more than 160 newton-seconds.

Recovery — Make sure that the model rocket has a recovery system to ensure a safe descent.

Firing system — Always use a remote electrical system to fire the model rocket. Make sure the system includes a switch that automatically returns to "off" when released and a safety interlock to prevent accidental ignition.

Launch system — Always use a stable platform with a guiding device that is pointed at least 60 degrees from the horizontal. Make sure that a deflector is installed to prevent engine exhaust from reaching the ground or plastic launcher parts.

Launch site — Never launch the model rocket near buildings or power lines or within 9 km of an airport.

Weight limit — The model rocket must never weigh more than 1 500 grams at lift-off.

Launch conditions — Never fire the model rocket in high winds or under conditions of low visibility that prevent continuous observation of the rocket throughout the flight.

Launch instructions —

1. Ensure the launch site is clear of combustible material.
2. Ensure that no one is in the flight path during launch preparation.
3. Never lean over, or place your hand over, a loaded model rocket that is on a launch system.
4. Never leave the safety interlock key in the firing system when not launching.
5. Always remain at least 5 metres from any model rocket that is ready to be launched.
6. Always give a warning before a launch and a loud countdown of at least five seconds to ignition.
7. Either place the top of the launch rod above eye level or cover the rod between launches.

No animal payloads — Never launch an animal in a model rocket.

Misfire — Always wait at least 10 minutes before approaching a model rocket if the firing system fails to ignite the motor.

Target — Never launch a model rocket to strike targets on the ground or in the air. Never point a loaded model rocket or its nozzle at a person.

Hazardous recovery — Never attempt to recover a model rocket from tree branches, a power line or any other dangerous place. Always report a model rocket that is caught in a power line to the person responsible for the power line as soon as the circumstances permit.

Pre-flight tests — Always test the stability of a model rocket of a new design in isolation from other people.

Loaded rockets — Never store or leave unattended a model rocket in which the motor is installed.

PART 16

CONSUMER FIREWORKS

Overview

335. This Part authorizes the acquisition, storage and sale of consumer fireworks (type F.1) and regulates their use. Division 1 sets out rules for sellers, while Division 2 sets out rules for users.

Definitions

336. (1) The following definitions apply in this Part.

“distributor”
« *distributeur* »

“distributor” means a person who sells consumer fireworks to other distributors or to retailers, whether or not they sell to users.

“licence”
« *licence* »

“licence” means a licence that authorizes the storage of consumer fireworks.

“retailer”
« *détaillant* »

“retailer” means a person, other than a distributor, who sells consumer fireworks.

“seller”
« *vendeur* »

“seller” means a distributor or a retailer.

“user”
« *utilisateur* »

“user” means a person who acquires consumer fireworks for use.

Storage

(2) For the purposes of this Part, consumer fireworks are stored in a sales establishment if they are

- (a) inside the sales establishment, whether in a storage unit or displayed for sale;
- (b) outside the sales establishment in a storage unit that is used in operating the establishment;
or
- (c) in a licensed magazine that is either inside or outside the establishment.

Consumer fireworks quantity

337. A reference to a mass of consumer fireworks in this Part is a reference to their gross mass (the mass of the fireworks plus the mass of any packaging or container).

Prohibition on use

338. Except as authorized by this Part, it is prohibited for a person to use consumer fireworks.

DIVISION 1

RULES FOR SELLERS

Acquisition for Sale

Distributor

339. (1) A distributor may acquire, store and sell consumer fireworks if they hold a licence. A distributor who acquires consumer fireworks must comply with this Division.

Retailer

(2) A retailer may acquire, store and sell consumer fireworks, whether or not they hold a licence. A retailer who acquires consumer fireworks must comply with this Division.

Sales Establishment

No sale from dwelling

340. A seller must not sell consumer fireworks from a dwelling.

Unobstructed exits

341. A seller must ensure that their sales establishment has at least two unobstructed exits, that all aisles containing consumer fireworks are at least 1.2 m wide and that the aisles are not blocked at either end.

Retail sales establishment

342. The sales establishment of a retailer who does not hold a licence may be permanent (located in a permanent structure) or temporary (located in a tent, trailer or other temporary shelter). In both cases, the retailer must ensure that the following requirements are met:

(a) the sales establishment must be protected from unauthorized access when it is not open for business;

(b) all places where consumer fireworks are stored in the sales establishment, whether inside or outside, must be located at least 100 m from all above-ground storage tanks for flammable substances in bulk and at least 8 m from the following;

(i) fuel dispensers at a fuel dispensing station,

(ii) retail propane-dispensing tanks and cylinders,

(iii) above-ground storage tanks for flammable substances, and

(iv) compressed natural gas dispensing facilities; and

(c) in the case of a temporary sales establishment,

(i) all places where consumer fireworks are stored in the establishment, whether inside or outside, must be located at least 8 m from all combustible materials, sources of ignition, thoroughfares, buildings or other temporary sales establishments and at least 3 m from any vehicle parking area,

(ii) the fireworks must be attended at all times, and

(iii) if the sales establishment is a tent, the tent must be made from flame-retardant material.

Storage

Storage — licence holder

343. (1) A seller who holds a licence must store all their consumer fireworks in the magazine specified in their licence and ensure that the requirement of section 344 is met.

Storage — unlicensed retailer

(2) A retailer who does not hold a licence must store their consumer fireworks in a sales establishment other than a dwelling and ensure that the requirements of sections 344 to 350 are met.

Handling

344. Unless they are in consumer packs that meet the requirements of section 346, consumer fireworks may be handled by a buyer only after they have been sold.

Non-aerial fireworks

345. (1) Non-aerial fireworks (flares, fountains, snakes, ground spinners, strobe pots, wheels and ground whistles) may be displayed for sale only if they are in consumer packs that meet the requirements of section 346 and are displayed in accordance with section 347.

Aerial consumer fireworks

(2) Aerial fireworks may be displayed for sale only if they are in consumer packs that meet the requirements of paragraphs 346(a) to (c) and are displayed in accordance with section 347.

Adequate consumer pack

346. For the purposes of this Part, a consumer pack must meet the following requirements:

(a) it must be of sufficient strength to withstand normal handling;

(b) it must be designed so that it prevents a person who is handling it from being able to ignite the consumer fireworks it contains; and

(c) it must be designed so that it prevents any shifting of the consumer fireworks during handling or transportation; and

(d) the trade name of all consumer fireworks in the pack must be printed on it, along with the words "Non-aerial Fireworks/Pièces pyrotechniques non aériennes", in a location that is clearly visible.

Requirements for display

347. When consumer fireworks are displayed for sale, the following requirements must be met:

- (a) non-aerial fireworks that are in consumer packs that meet the requirements of section 346 must be separated into lots of 100 kg or less;
- (b) all other fireworks, whether aerial or non-aerial, must be separated into lots of 25 kg or less;
- (c) each lot must be separated from the other lots by a fire break;
- (d) the fireworks must be kept away from flammable substances and sources of ignition;
- (e) the fireworks must not be exposed to heat or dampness that might cause them to deteriorate;
- (f) the fireworks must be separated from the ceiling and from any fire prevention system by at least 0.6 m;
- (g) only people authorized by the retailer may have access to the area behind a sales counter;
- (h) smoking must be prohibited within 8 m of the fireworks; and
- (i) the fireworks must be attended when the sales establishment is unlocked.

Exception

348. Sections 344 to 347 do not apply to sparklers and toy pistol caps.

Maximum quantity

349. (1) No more than 1 000 kg of consumer fireworks may be stored in a sales establishment at any one time, including fireworks that are displayed for sale. If the sales establishment is located in a building that contains a dwelling, no more than 100 kg may be stored at any one time, including fireworks that are displayed for sale.

Place of storage

(2) Consumer fireworks that are not displayed for sale must be stored in a storage unit.

Storage unit requirements

350. When consumer fireworks are stored in a storage unit,

- (a) the storage unit must be located in a dry place, away from flammable substances and sources of ignition;
- (b) the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;
- (c) if the storage unit is a container, it must not impede exit in case of fire;
- (d) if the storage unit is not a container, all exits must be kept unobstructed;
- (e) any shelving in the storage unit must be constructed from a non-sparking material (for example, wood or painted metal);
- (f) only consumer fireworks may be stored in the storage unit;
- (g) the storage unit must be attended when it is unlocked;
- (h) the storage unit must be kept clean, dry, organized and free of grit;
- (i) any spill, leakage or other contamination in the storage unit must be cleaned up immediately;
- (j) precautions that minimize the likelihood of fire in or near the storage unit must be taken; and
- (k) a sign that displays the words "Danger — Fire Hazard/Risque d'incendie" in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

Sale

Maximum quantity — licensed buyer

351. (1) A seller must not sell more consumer fireworks to a licensed buyer than the buyer is authorized by their licence to store.

Maximum quantity — unlicensed buyer

(2) A seller must not sell more consumer fireworks to an unlicensed buyer than the buyer is authorized

by this Division to store.

Retailer

352. A retailer may sell only to users.

Copy of rules

353. (1) A distributor who sells consumer fireworks to a retailer must offer the retailer a copy of this Division.

Table

(2) A seller who sells consumer fireworks, other than toy pistol caps, to a user must offer the user either a copy of the table at the end of this Part or a document that includes the same information.

Record of sale

354. A seller must keep a record of every sale of 150 kg or more of consumer fireworks for two years after the date of the sale. The record must include the following information:

- (a) the buyer's name and address;
- (b) in the case of a licensed buyer, the licence number and expiry date;
- (c) the trade name of each firework sold and the name of the person who obtained its authorization;
- (d) the quantity of fireworks sold under each trade name;
- (e) in the case of a sale by a distributor, an indication of whether the purchase is for re-sale or for use; and
- (f) the date of the sale.

DIVISION 2

RULES FOR USERS

Acquisition and Storage

Acquisition

355. (1) A user who is at least 18 years old may acquire, store and use consumer fireworks, whether or not they hold a licence. A user who acquires consumer fireworks must comply with this Division.

Toy pistol caps

(2) Despite section 10 and subsection (1), a user who is less than 18 years old may acquire and use toy pistol caps.

Storage — licensed user

356. (1) A user who holds a licence must store their consumer fireworks in the magazine specified in the licence.

Storage — unlicensed user

(2) A user who does not hold a licence must store their consumer fireworks in a dwelling or a storage unit and ensure that the requirements of sections 357 and 358 are met.

Maximum quantity — dwelling

357. (1) In the case of consumer fireworks stored in a dwelling, no more than 10 kg may be stored at any one time.

Maximum quantity — storage unit

(2) In the case of consumer fireworks stored in a storage unit, no more than 1 000 kg of consumer fireworks may be stored at any one time.

Storage requirements — dwelling

358. (1) When consumer fireworks are stored in a dwelling, they must be stored away from flammable substances and sources of ignition, in a manner that protects them from theft and ensures that access to them is limited to people authorized by the user.

Storage requirements — storage unit

(2) When consumer fireworks are stored in a storage unit,

- (a) the storage unit must be located in a dry place, away from flammable substances and sources of ignition;

- (b) the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;
- (c) if the storage unit is a container, it must not impede exit in case of fire;
- (d) if the storage unit is not a container, all exits must be unobstructed;
- (e) any shelving in the storage unit must be constructed from a non-sparking material (for example, wood or painted metal);
- (f) only consumer fireworks may be stored in the storage unit;
- (g) the storage unit must be attended when it is unlocked;
- (h) the storage unit must be kept clean, dry, organized and free of grit;
- (i) any spill, leakage or other contamination in the storage unit must be cleaned up immediately;
- (j) precautions that minimize the likelihood of fire in or near the storage unit must be taken; and
- (k) a sign that displays the words "Danger — Fire Hazard/Risque d'incendie" in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

Use

Manufacturer's instructions

359. (1) When using consumer fireworks, a user must follow the manufacturer's instructions. If there are no manufacturer's instructions, the fireworks must not be used.

Electric match

(2) A user must not use an electric match to fire fireworks.

No smoking

(3) A user must not smoke, and must prohibit all others from smoking, within 8 m of the site of use of the fireworks.

User under 18 years old

360. (1) A user who is under the age of 18 may use consumer fireworks if they are supervised by a person who is at least 18 years old.

Supervision

(2) A person who acquires consumer fireworks may give them to a user who is under the age of 18 only if the person ensures that the user is supervised by a person who is at least 18 years old.

Exception

(3) Subsections (1) and (2) do not apply to toy pistol caps.

TABLE

(subsection 353(2))

USING CONSUMER FIREWORKS

Part 16 of the *Explosives Regulations* provides additional safety rules for consumer fireworks.



PEOPLE UNDER 18 YEARS OLD who use fireworks must be supervised by an adult.



CHOOSE a wide, clear site away from all obstacles. Refer to the safety instructions on the fireworks label for minimum distances from spectators.



DO NOT FIRE IN WINDY CONDITIONS.



READ all instructions on the fireworks. PLAN the order of firing before you begin.



USE A GOOD FIRING BASE such as a pail filled with earth or sand.



BURY fireworks that do not have a base HALFWAY in a container of earth or sand (such as a pail, box or wheelbarrow) unless the label on the firework indicates otherwise. Set them at a 10-degree angle, pointing away from people.



NEVER try to light a firework or hold a lit firework in your hand unless the manufacturer's instructions indicate that they are designed to be hand-held.



LIGHT CAREFULLY: Always light the fuse at its tip.



KEEP WATER NEARBY: Dispose of used fireworks (including debris) in a pail of water.



WAIT at least 30 minutes before approaching a firework that did not go off. NEVER try to RELIGHT a firework that did not go off. NEVER try to fix a firework that is defective.



KEEP fireworks in a cool, dry, ventilated place, out of the reach of children.



IT IS RECOMMENDED that safety glasses be worn.

PART 17

SPECIAL EFFECT PYROTECHNICS

Overview

361. This Part authorizes the acquisition, storage and sale of special effect pyrotechnics and regulates their use. Division 1 sets out rules for sellers. Division 2 sets out rules for users and other acquirers and indicates how to obtain a fireworks operator certificate.

Definitions

362. The following definitions apply in this Part.

“black powder”
« *poudre noire* »

“black powder” means an explosive classified as type P.1.

“licence”
« *licence* »

“licence” means a licence that authorizes the storage of the type of pyrotechnics to be sold or acquired.

“propellant powder”
« *poudre propulsive* »

“propellant powder” means black powder and smokeless powder.

“pyrotechnic event”
« *activité pyrotechnique* »

“pyrotechnic event” means an event, including a film or television production, at which special effect pyrotechnics are used.

“special effect pyrotechnics”
« *pièce pyrotechnique à effets spéciaux* »

“special effect pyrotechnics” means, in addition to any explosive classified as type F.3, the following types of explosive if they will be used to produce a special effect in a film or television production or a performance before a live audience:

- (a) fireworks accessories (type F.4);
- (b) black powder and hazard category PE 1 black powder substitutes (type P.1);
- (c) smokeless powder and hazard category PE 3 black powder substitutes (type P.2);
- (d) initiation systems (type I) (for example, blasting accessories);
- (e) detonating cord (type E.1); and
- (f) special purpose pyrotechnics.

“smokeless powder”
« *poudre sans fumée* »

“smokeless powder” means an explosive classified as type P.2.

“special purpose pyrotechnics”
« *pièce pyrotechnique à usage particulier* »

“special purpose pyrotechnics” means special effect pyrotechnics that are combined with a flammable liquid, solid or gas to produce custom-made special effects.

“user”

« *utilisateur* »

“user” means a person who acquires special effect pyrotechnics for use, which includes setting them up and firing them.

Pyrotechnics quantity

363. A reference to a mass of special effect pyrotechnics in this Part is a reference to their gross mass (the mass of the pyrotechnics plus the mass of any packing or container) except in the case of propellant powder, when it is a reference to its net quantity (the mass of the powder excluding the mass of any packaging or container).

Prohibition on use

364. Except as authorized by this Part, it is prohibited for a person to use special effect pyrotechnics.

DIVISION 1

RULES FOR SELLERS

Acquisition for Sale and Storage

Acquisition

365. A seller may acquire, store and sell special effect pyrotechnics if they hold a licence. A seller who acquires special effect pyrotechnics must comply with this Division.

Storage

366. (1) A seller must store their special effect pyrotechnics in the magazine specified in their licence.

Electric matches

(2) A seller must not store electric matches in a magazine in which other special effect pyrotechnics are stored.

No display for sale

367. A seller must not display special effect pyrotechnics for sale.

Transfer of powder

368. A seller must not transfer propellant powder from one container to another for the purpose of sale unless their licence authorizes them to do so.

Sale

Certificate required

369. (1) A seller may sell special effect pyrotechnics only to a buyer who holds the fireworks operator certificate that is required for use of the pyrotechnics to be bought.

Licence and certificate required

(2) A seller may sell initiation systems or detonating cord only to a buyer who holds a licence and a fireworks operator certificate (special effects pyrotechnician — detonating cord).

Exception

(3) Despite subsection 1, a seller may sell flash cotton, flash paper, flash string, sparkle string or propellant powder to a buyer who holds neither a licence nor a fireworks operator certificate.

Licence required

(4) A seller may sell special effect pyrotechnics to a buyer who is not a user only if the buyer holds a licence.

Maximum quantity — licensed buyer

370. (1) A seller must not sell more special effect pyrotechnics to a licensed buyer than the buyer is authorized by their licence to store.

Maximum quantity — unlicensed buyer

(2) A seller must not sell more special effect pyrotechnics to an unlicensed buyer than the buyer is authorized by this Part to store.

Identification

371. (1) Before selling special effect pyrotechnics, the seller must require the buyer to establish their identity by showing either

(a) a piece of identification issued by the Government of Canada, or a provincial, municipal or foreign government, that bears a photograph of the user, or

(b) two pieces of identification, each of which sets out the buyer's name, at least one of which is issued by the Government of Canada or a provincial, municipal or foreign government and at least one of which sets out the buyer's address.

Comparison

(2) If the buyer provides a piece of identification that bears a photograph, the seller must, before selling the special effect pyrotechnics, ensure that the photograph is that of the buyer.

Record of sale

372. A seller must keep a record of every sale of special effect pyrotechnics for two years after the date of the sale. The record must include the following information:

(a) the buyer's name and address;

(b) if applicable, the number and expiry date of the buyer's licence and, if applicable, the number and expiry date of the buyer's fireworks operator certificate;

(c) the type and trade name of each special effect pyrotechnic sold and the name of the person who obtained its authorization;

(d) the quantity of special effect pyrotechnics sold under each trade name;

(e) a short description of the effects of any explosive article sold;

(f) the size of the container in which any propellant powder was sold; and

(g) the date of the sale.

DIVISION 2

RULES FOR USERS AND OTHER ACQUIRERS

Subdivision a

Users without a Licence or Certificate

Flash Cotton, Flash Paper, Flash String and Sparkle String

Acquisition

373. A user who holds neither a fireworks operator certificate nor a licence may acquire, store and use flash cotton, flash paper, flash string or sparkle string. A user who acquires flash cotton, flash paper, flash string or sparkle string must comply with sections 374, 375 and 385.

Storage

374. A user must store their flash cotton, flash paper, flash string or sparkle string in a dwelling or a storage unit and ensure that the requirements of the following sections are met:

(a) section 375 and subsection 383(1), in the case of storage in a dwelling;

(b) sections 375 and subsection 383(2), in the case of storage in a storage unit that is not at the site of use; and

(c) sections 375 and 384, in the case of storage in a storage unit that is at the site of use.

Maximum quantity

375. No more than 200 g of flash cotton, 1 kg of flash paper, 200 g of flash string and 200 g of sparkle string may be stored at any one time.

Percussion Caps and Propellant Powder Used in Historical Re-enactments

Acquisition

376. (1) A user who holds neither a fireworks operator certificate nor a licence may acquire, store and use percussion caps or propellant powder if the user acquires them for use in original or reproduction firearms in an historical re-enactment.

Requirements for use

(2) A user who acquires percussion caps and propellant powder for an historical re-enactment

(a) must have the written approval of the ([see footnote 15*](#)) local authority to hold the re-enactment or must be under the supervision of a person who has that approval; and

(b) must have experience in the safe use of explosives in historical re-enactments, must have completed a course on this use certified by the Minister of Natural Resources or must be under the supervision of a person who has that experience or has completed such a course.

Storage

377. A user must store their percussion caps and propellant powder in a dwelling or in a storage unit and ensure that the requirements in the following sections are met:

- (a) sections 378 to 380 and subsection 383(1), in the case of storage in a dwelling;
- (b) sections 378, 379 and subsection 383(2), in the case of storage in a storage unit that is attached to a dwelling and is not at the site of use;
- (c) sections 378, 381 and subsection 383(2), in the case of storage in a detached storage unit that is not at the site of use; and
- (d) sections 378, 379 and 384, in the case of storage in a detached storage unit that is at the site of use.

Percussion caps

378. (1) Percussion caps must be stored in their original packaging.

Smokeless powder

(2) Smokeless powder must be stored in its original container or in small arms cartridges.

Black powder

(3) Black powder must be stored in its original container, in small arms cartridges or in black powder cartouches.

Detached dwelling and storage units

379. The maximum quantity of propellant powder that may be stored at any one time in a detached dwelling, in a storage unit that is attached to a detached dwelling or in a storage unit at the site of use is 25 kg, of which no more than 5 kg may be black powder.

Other dwellings — smokeless powder

380. (1) The maximum quantity of smokeless powder that may be stored at any one time in a dwelling that is in a building containing other dwellings is

- (a) 20 kg, if all the powder is in containers that hold no more than 1 kg; or
- (b) 5 kg, if any of the powder is in a container that holds more than 1 kg.

Other dwellings — black powder

(2) The maximum quantity of black powder that may be stored at any one time in a dwelling that is in a building containing other dwellings is

- (a) 1 kg, if the black powder is in containers; or
- (b) 3 kg, less any quantity that is in containers, if the black powder is in small arms cartridges or black powder cartouches.

Detached storage unit

381. The maximum quantity of propellant powder that may be stored at any one time in a detached storage unit that is not at the site of use is 75 kg, less any quantity that is being stored in a place referred to in section 379 and any quantity being stored in a place referred to in section 380.

Pyrotechnics Used in Student Training

Student in training

382. A user who holds neither a fireworks operating certificate nor a licence and who is taking a college or university course on special effect pyrotechnics that is certified by the Minister of Natural Resources may, during their training and while under the supervision of a holder of a fireworks operator certificate (senior pyrotechnician) or a fireworks operator certificate (special effects pyrotechnician), use any special effect pyrotechnics that their supervisor is authorized to use.

Storage

Storage requirements — dwelling

383. (1) When special effect pyrotechnics are stored in a dwelling, they must be stored away from flammable substances and sources of ignition, in a manner that protects them from theft and ensures that access to them is limited to people authorized by the user.

Storage requirements — storage unit

- (2) When special effect pyrotechnics are stored in a storage unit,
- (a) the storage unit must be located in a dry place, away from flammable substances and sources of ignition;
 - (b) the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;
 - (c) if the storage unit is a container, it must not impede exit in case of fire;
 - (d) if the storage unit is not a container, all exits must be kept unobstructed;
 - (e) any shelving in the storage unit must be made from a non-sparking material (for example, wood or painted metal);
 - (f) only special effect pyrotechnics may be stored in the storage unit;
 - (g) propellant powder, firework accessories and other special effect pyrotechnics must be stored separately from one another (for example, on different shelves or separated by a wooden partition);
 - (h) the storage unit must be attended when it is unlocked;
 - (i) the storage unit must be kept clean, dry, organized and free of grit;
 - (j) any spill, leakage or other contamination in the storage unit must be cleaned up immediately;
 - (k) precautions that minimize the likelihood of fire in or near the storage unit must be taken; and
 - (m) a sign that displays the words "Danger — Fire Hazard/Risque d'incendie" in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

Storage at site of use

384. (1) When special effect pyrotechnics are stored in a storage unit at the site of use, the unit must be made from, or lined with, a non-sparking material, marked with the words "Pyrotechnics/Pièces pyrotechniques" and kept locked. Only special effect pyrotechnics may be stored in the storage unit.

Location of storage unit

(2) The storage unit must be kept away from other flammable substances and sources of ignition and in an area that is not accessible to the public.

Use

Manufacturer's instructions

385. (1) A user must follow the manufacturer's instructions when using special effect pyrotechnics.

Prohibited use

(2) A user must not use special effect pyrotechnics if they show any signs of deterioration (for example, discoloration or a vinegary smell).

Electric match

(3) A user must not use an electric match to ignite flash cotton, flash paper, flash string or sparkle string.

Subdivision b

Other Acquirers Without a Certificate

License holder

386. A person who does not hold a fireworks operator certificate may acquire and store special effect pyrotechnics if they hold a licence. They must store their special effect pyrotechnics in the magazine specified in their licence.

Subdivision c

Users with a Certificate

Fireworks Operator Certificates

Types of certificate

387. The fireworks operator certificates issued by the Minister of Natural Resources that are required for the use of special effect pyrotechnics are the following:

- (a) fireworks operator certificate (pyrotechnician);
- (b) fireworks operator certificate (senior pyrotechnician);
- (c) fireworks operator certificate (special effects pyrotechnician);
- (d) fireworks operator certificate (special effects pyrotechnician — detonating cord); and
- (e) fireworks operator certificate (visitor pyrotechnician).

Qualifications to Obtain a Certificate

Pyrotechnician

388. (1) To obtain a fireworks operator certificate (pyrotechnician), a person must successfully complete the special effects pyrotechnics safety and legal awareness course offered by the Explosives Regulatory Division, Department of Natural Resources or a course certified as equivalent by the Minister of Natural Resources.

Senior pyrotechnician

(2) To obtain a fireworks operator certificate (senior pyrotechnician), a person must have acted as a pyrotechnician for two years and must be able to safely use explosives that are classified as type F.3 and propellant powder.

Special effects pyrotechnician

(3) To obtain a fireworks operator certificate (special effects pyrotechnician), a person must have acted as a senior pyrotechnician for at least two years and must be able to safely use explosives that are classified as type F.3, propellant powder and special purpose pyrotechnics.

Special effects pyrotechnician — detonating cord

(4) To obtain a fireworks operators certificate (special effects pyrotechnician — detonating cord), a person must have a fireworks operator certificate (special effects pyrotechnician) and must be able to safely use initiation systems and detonating cord.

Visitor pyrotechnician

(5) To obtain a fireworks operator certificate (visitor pyrotechnician), a person must reside outside Canada and have the necessary experience using special effect pyrotechnics to safely carry out the activities of a holder of a fireworks operator certificate (pyrotechnician).

Application

Application for certificate — pyrotechnician

389. (1) An applicant for a fireworks operator certificate (pyrotechnician) must complete, sign and send to the Chief Inspector of Explosives the application form provided by the Department of Natural Resources. The application must include the following information and documents:

- (a) the applicant's name, date of birth, address, telephone number, fax number and email address;
- (b) the name of any organization of pyrotechnicians to which the applicant belongs;
- (c) a photo of the applicant taken within the previous 12 months; and
- (d) proof that the applicant has successfully completed the pyrotechnics safety and legal awareness course offered by the Explosives Regulatory Division, Department of Natural Resources or a course certified as equivalent by the Minister of Natural Resources.

Proof of course completion

(2) An applicant who, at the time of their application, has not completed the pyrotechnics safety and legal awareness course or a certified equivalent may submit their proof of successful completion to the Chief Inspector of Explosives at any time within six months after the date on which their application is submitted.

Application — senior pyrotechnician and special effects pyrotechnician

(3) An applicant for a fireworks operator certificate (senior pyrotechnician) or a fireworks operator certificate (special effects pyrotechnician) must complete, sign and send to the Chief Inspector of Explosives the application form provided by the Department of Natural Resources. The application must include the following information and documents:

- (a) the applicant's name, date of birth, address, telephone number, fax number and email address;

- (b) the name of any organization of pyrotechnicians to which the applicant belongs;
- (c) the number and expiry date of the applicant's fireworks operator certificate;
- (d) a photo of the applicant taken within the previous 12 months;
- (e) a copy of the applicant's work journal that sets out
 - (i) the date and place of each pyrotechnic event at which the applicant has worked and the types of explosives used,
 - (ii) the capacity in which the applicant acted at each pyrotechnic event, and
 - (iii) the name of the applicant's supervisor at each pyrotechnic event; and
- (f) three letters of recommendation.

Other certificates

(4) An applicant for one of the following certificates must provide the information and documents referred to in subsection (3) and, in addition, must

- (a) for a fireworks operator certificate (senior pyrotechnician), establish that they have acted as a pyrotechnician for two years and submit a letter from a supervisor which attests that the applicant is able to safely use explosives classified as type F.3 and propellant powder;
- (b) for a fireworks operator certificate (special effects pyrotechnician), establish that they have acted as a senior pyrotechnician for two years and submit a letter from a supervisor which attests that the applicant is able to safely use explosives classified as type F.3, propellant powder and special purpose pyrotechnics; and
- (c) for a fireworks operator certificate (special effects pyrotechnician — detonating cord), establish that they have acted as a special effects pyrotechnician for two years and submit a letter from a supervisor which attests that the applicant is able to safely use initiation systems and detonating cords.

Application — visitor pyrotechnician

(5) An applicant for a fireworks operator certificate (visitor pyrotechnician) must complete, sign and send to the Chief Inspector of Explosives the application form provided by the Department of Natural Resources. The application must include the following information and documents:

- (a) the applicant's name, date of birth, address, telephone number, fax number and email address;
- (b) the name of any organization of pyrotechnicians to which the applicant belongs;
- (c) a photo of the applicant taken within the previous 12 months;
- (d) a copy of the applicant's resumé which sets out the pyrotechnic events at which they have used special effect pyrotechnics and the people and organizations for which they have worked;
- (e) a list of the pyrotechnic events in which they plan to participate in Canada and the dates of the events; and
- (f) the name, telephone number and number of the fireworks operator certificate of the pyrotechnician in charge at each event in which they plan to participate.

Fees

(6) An applicant for a certificate or for a change of certificate must pay the applicable fees set out in Part 19.

Acquisition and Storage

Acquisition

390. A user may acquire and store special effect pyrotechnics, whether or not they hold a licence, if they hold the fireworks operator certificate required for use of the pyrotechnics to be acquired. However, a user who does not hold a licence must not acquire initiation systems or detonating cord. A user who acquires special effect pyrotechnics must comply with this subdivision.

Storage — licensed user

391. (1) A user who holds a licence must store their special effect pyrotechnics in the magazine specified in their licence.

Exception

(2) Despite subsection (1), a user who holds a licence may store up to 500 electric matches and up to 25 kg of other special effect pyrotechnics in a dwelling or a storage unit. A user who does so must ensure that the requirements of sections 394 to 398 are met.

Storage — unlicensed user

392. A user who does not hold a licence must store their special effect pyrotechnics in a dwelling or a storage unit and ensure that the requirements of sections 393 to 398 are met.

Maximum quantity

393. No more than 500 electric matches and 25 kg of other special effect pyrotechnics may be stored at any one time.

Smokeless powder

394. (1) Smokeless powder must be stored in its original container or in small arms cartridges.

Black powder

(2) Black powder must be stored in its original container, in small arms cartridges or in black powder cartouches.

Detached dwelling

395. The maximum quantity of propellant powder that may be stored at any one time in a detached dwelling, or in a storage unit that is attached to a dwelling, is 25 kg of which no more than 5 kg may be black powder.

Other dwellings — smokeless powder

396. (1) The maximum quantity of smokeless powder that may be stored at any one time in a dwelling that is located in a building containing other dwellings is

(a) 20 kg, if all the powder is in containers that hold no more than 1 kg; or

(b) 5 kg, if any of the powder is in a container that holds more than 1 kg.

Other dwellings — black powder

(2) The maximum quantity of black powder that may be stored at any one time in a dwelling that is in a building containing other dwellings is

(a) 1 kg, if the powder is in containers; and

(b) 3 kg less any quantity that is in containers, if the powder is in small arms cartridges or black powder cartouches.

Detached storage unit

397. The maximum quantity of propellant powder that a user may store at any one time in a storage unit that is not attached to a dwelling is 75 kg, less any quantity that is stored in a place referred to in section 395 and any quantity that is stored in a place referred in section 396.

Storage requirements — dwelling

398. (1) When special effects pyrotechnics are stored in a dwelling, they must be stored away from flammable substances and sources of ignition, in a manner that protects the pyrotechnics from theft and ensures that access to them is limited to people authorized by the user.

Storage requirements — storage unit

(2) When special effect pyrotechnics are stored in a storage unit,

(a) the storage unit must be located in a dry place, away from flammable substances and sources of ignition;

(b) the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;

(c) if the storage unit is a container, it must not impede exit in case of fire;

(d) if the storage unit is not a container, all exits must be kept unobstructed;

(e) any shelving in the storage unit must be made from a non-sparking material (for example, wood or painted metal);

(f) only special effect pyrotechnics may be stored in the storage unit;

(g) propellant powder, firework accessories and other special effect pyrotechnics must be stored separately from one another (for example, on different shelves or separated by a wooden

partition);

(h) the storage unit must be attended when it is unlocked;

(i) the storage unit must be kept clean, dry, organized and free of grit;

(j) any spill, leakage or other contamination in the storage unit must be cleaned up immediately;

(k) precautions that minimize the likelihood of fire in or near the storage unit must be taken; and

(l) a sign that displays the words "Danger — Fire Hazard/Risque d'incendie" in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

Storage — at site of use

399. (1) Despite sections 394 to 398, a pyrotechnician in charge of a pyrotechnic event may store up to 5 kg of special effect pyrotechnics in a storage unit at the site of use if they comply with this section.

Maximum quantity

(2) Of the 5 kg of special effect pyrotechnics that may be stored in the storage unit, no more than 3 kg may be propellant powder.

Storage unit requirements

(3) The storage unit must be made from, or lined with, a non-sparking material, must be marked with the words "Pyrotechnics/Pièces pyrotechniques" and must contain only special effect pyrotechnics. It must be kept locked, away from flammable substances and sources of ignition and in an area that is not accessible to the public.

Storage in magazine

(4) Special effect pyrotechnics that are not stored in a locked storage unit must be stored in a magazine.

Pyrotechnics to be attended

(5) Special effect pyrotechnics must be attended when they are not in a storage unit or a magazine.

Use

Pyrotechnician and visitor pyrotechnician

400. A user who holds a fireworks operator certificate (pyrotechnician) or a fireworks operator certificate (visitor pyrotechnician) may use the following explosives:

(a) explosives that have been classified as type F.3 and fireworks accessories if their use by pyrotechnicians or visitor pyrotechnicians has been authorized by the Chief Inspector of Explosives under section 32 or 33;

(b) smokeless powder;

(c) explosives classified as type F.3, fireworks accessories and black powder, but only under the direct supervision of a senior pyrotechnician or special effects pyrotechnician;

(d) special purpose pyrotechnics, but only under the direct supervision of a special effects pyrotechnician; and

(e) initiation systems and detonating cord, but only under the direct supervision of a special effects pyrotechnician who holds a fireworks operating certificate (special effects pyrotechnician — detonating cord).

Senior pyrotechnician

401. A user who holds a fireworks operator certificate (senior pyrotechnician) may use the following explosives:

(a) explosives classified as type F.3, fireworks accessories, black powder and smokeless powder;

(b) special purpose pyrotechnics, but only under the direct supervision of a special effects pyrotechnician; and

(c) initiation systems and detonating cord, but only under the direct supervision of a special effects pyrotechnician who holds a fireworks operating certificate (special effects pyrotechnician — detonating cord).

Special effects pyrotechnician

402. (1) A user who holds a fireworks operator certificate (special effects pyrotechnician) may

- (a) assemble at the site of use and use special purpose pyrotechnics, explosives classified as type F.3, fireworks accessories, black powder and smokeless powder; and
- (b) use initiation systems and detonating cord, but only under the direct supervision of a special effects pyrotechnician who holds that certificate.

Special effects pyrotechnician — detonating cord

(2) A user who holds a fireworks operator certificate (special effects pyrotechnician — detonating cord) may use initiation systems and detonating cord.

Supervision of a Pyrotechnic Event

Pyrotechnician in charge

403. (1) Every organizer of a pyrotechnic event must ensure that the event is supervised by a pyrotechnician in charge.

Responsibilities

(2) The pyrotechnician in charge must ensure that the event is carried out safely and that the requirements of sections 404 to 409 are complied with.

Plan

404. (1) A pyrotechnic event plan in writing must be prepared and kept for two years after the date of the pyrotechnic event. The plan must include the following information:

- (a) the name of the pyrotechnician in charge and the number and expiry date of their fireworks operator certificate;
- (b) a description of the site of the event, including the placement of the special effect pyrotechnics, the proximity of the audience and the location of every exit, every storage area for the pyrotechnics and every smoke detector that may be triggered by the pyrotechnics used in the event;
- (c) the type and trade name of each special effect pyrotechnic that will be used and name of the person who obtained its authorization;
- (d) a description of each special effect pyrotechnic;
- (e) the anticipated height, duration and fallout effect of the effects of each special effect pyrotechnic;
- (f) a description of the anticipated effects of each special purpose pyrotechnic;
- (g) the method and sequence of firing the special effect pyrotechnics; and
- (h) an assessment of the likelihood of harm to people or property resulting from the use of the special effect pyrotechnics.

Approval

(2) The plan must be submitted to the local authority. The written approval of the local authority to hold the pyrotechnic event must be obtained before the event takes place.

Safety meetings

(3) Meetings must be held with the people who will participate in presenting the pyrotechnic event (for example, security guards, artists and technicians) to inform them of the special effect pyrotechnics that will be used and the safety precautions to be taken during the event. Subsequent meetings must be held if the event is changed in a way that increases the likelihood of harm to people or property resulting from the use of the pyrotechnics.

Danger zone

405. (1) A danger zone must be established, taking into account the properties of the special effect pyrotechnics to be used, how they will be positioned, the manufacturer's instructions, the weather conditions if the pyrotechnic event is to be held outdoors and the likelihood of harm to people or property resulting from the use of the pyrotechnics.

Flammables

(2) The danger zone must not contain any flammables or other items that are likely to catch fire.

Access

(3) Only people authorized by the pyrotechnician in charge may enter or be in the danger zone from the time any special effect pyrotechnics are brought into the zone until the pyrotechnician in charge declares

the zone to be free of explosives.

No smoking

- (4) Smoking must be prohibited in the danger zone.

Fire prevention and first aid

406. During the pyrotechnic event, fire prevention measures that minimize the possibility of harm to people or property must be put in place and facilities, equipment and personnel for fire fighting and administering first aid that minimize the possibility of harm must be present at the site.

Manufacturer's instructions

407. (1) The manufacturer's instructions for setting up and firing the special effect pyrotechnics must be followed.

Firing unit

(2) Only the pyrotechnician in charge, or a person designated by the pyrotechnician in charge, may have access to the firing unit.

Physical keying device

(3) The pyrotechnician in charge or a person designated by the pyrotechnician in charge must have control of any physical keying device at all times.

Safety interlock

- (4) The firing unit must be equipped with a safety interlock that has at least two steps.

Wireless firing unit

(5) Any wireless firing unit must be equipped with at least two different non-commercial operational frequencies.

Extraneous electricity

(6) Precautions that minimize the likelihood of extraneous electricity igniting an electric match must be taken.

Device attached to body

(7) Any device that is used to contain special effect pyrotechnics and is hand-held or attached to a person's body must be equipped with a firing system that has two switches.

Connecting to power supply

(8) A firing unit must not be connected to a power supply except during a test of circuit continuity or immediately before a special effect pyrotechnic is to be fired. The circuit continuity tester must be current-limited and intrinsically safe so as to eliminate the possibility of an ignition of any pyrotechnic.

Devices

- (9) Any device that is used to contain special effect pyrotechnics must be
- (a) designed and manufactured to prevent fragmentation or distortion of the device;
 - (b) designed and manufactured to prevent or contain fragmentation of the pyrotechnics;
 - (c) mounted so as to prevent any change in position or direction when used;
 - (d) positioned and secured in a manner that minimizes the likelihood of harm to people and property; and
 - (e) maintained in good condition.

Damaged pyrotechnics

- (10) Special effect pyrotechnics that are damaged, leaking, damp or contaminated must not be used.

No firing

(11) A special effect pyrotechnic must not be fired if a circumstance occurs that could increase the likelihood of harm to people or property.

Postponing or stopping event

(12) A pyrotechnic event must be postponed or stopped if unfavourable weather conditions develop, a special effect pyrotechnic malfunctions or any other circumstance occurs that could increase the likelihood of harm to people or property.

Firing unit disconnected

408. (1) The firing unit must be disconnected immediately after the pyrotechnic event, as well as during a pause in the event if keeping the unit connected could increase the likelihood of harm to people or property. When a unit is disconnected, any physical keying device must be removed and kept in the possession of the pyrotechnician in charge or a person designated by the pyrotechnician in charge.

Misfired pyrotechnics

- (2) Misfired special effect pyrotechnics must not be approached until at least
- (a) one minute after firing, if the firing was initiated by an electric match; and
 - (b) 30 minutes after firing, if the firing was initiated by other means.

Precautions

(3) Precautions that minimize the likelihood of harm to people and property from misfired special effect pyrotechnics must be taken.

Search

(4) As soon as the circumstances permit after the periods referred to in subsection (2), the site of the pyrotechnic event must be searched and all explosives must be removed from the site.

Access

(5) After the event, only people designated to do a search by the pyrotechnician in charge may enter or be in the danger zone until the pyrotechnician in charge declares the zone to be free of explosives.

Logbook of events

409. A record of the pyrotechnic event must be made in a logbook that sets out the name of the pyrotechnician in charge and the number and expiry date of their fireworks operator certificate. The logbook must be kept for two years after the date of the last recorded event. The record must include the following information and documents:

- (a) a copy of the pyrotechnic event plan prepared for the event;
- (b) a copy of the local authority's approval to hold the event;
- (c) the name and address of every person who worked at the event under the supervision of the pyrotechnician in charge; and
- (d) a description of any unusual circumstance, a statement of the number of misfires and a description of how each misfire was dealt with.

Record of licence holder

410. When a pyrotechnic event is held on behalf of a licence holder, the holder must keep a record of the event for two years after the date of the event. The record must include the following information and documents:

- (a) the licence holder's name and address and the number and expiry date of their licence;
- (b) the name of the pyrotechnician in charge and the number and expiry date of their fireworks operator certificate;
- (c) a copy of the local authority's approval to hold the event;
- (d) the type and trade name of each special effect pyrotechnic used and the name of the person who obtained its authorization;
- (e) the quantity used under each trade name; and
- (f) the date and site of the event.

PART 18

DISPLAY FIREWORKS

Overview

411. This Part authorizes the acquisition, storage and sale of display fireworks (type F.2) and their accessories and regulates their use. Division 1 sets out rules for sellers and users of display fireworks and fireworks accessories, including how to obtain a fireworks operator certificate. Division 2 sets out additional rules for display fireworks that are firecrackers.

Definitions

412. The following definitions apply in this Part.

“licence”

« licence »

“licence” means a licence that authorizes the storage of display fireworks and their fireworks accessories.

“user”

« utilisateur »

“user” means a person who acquires display fireworks or their accessories for use, which includes setting them up and firing them.

Quantity of display fireworks

413. A reference to a mass of display fireworks or their accessories in this Part is a reference to their gross mass (the mass of the fireworks plus the mass of any packaging or container).

Use prohibited

414. Except as authorized by this Part, it is prohibited for a person to use display fireworks or their accessories.

DIVISION 1

DISPLAY FIREWORKS

Definition of “fireworks”

415. In this Division, “fireworks” means display fireworks and fireworks accessories that are used with display fireworks.

Subdivision a

Rules for Sellers

Acquisition for Sale and Storage

Acquisition

416. A seller may acquire, store and sell fireworks if they hold a licence. A seller who acquires fireworks must comply with this Division.

Storage

417. (1) A seller must store their fireworks in the magazine specified in their licence.

Electric matches

(2) A seller must not store electric matches in a magazine in which other fireworks are stored.

No display for sale

418. A seller must not display fireworks for sale.

Sale

Authorized buyers

419. A seller may sell fireworks only to

(a) a person who holds a licence; or

(b) a user who holds the fireworks operator certificate that is required for use of the fireworks to be bought and who provides the seller with a copy of a local authority’s approval to hold the fireworks display in which the fireworks will be used.

Maximum quantity — licensed buyer

420. (1) A seller must not sell more fireworks to a licensed buyer than the buyer is authorized by their licence to store.

Maximum quantity — unlicensed buyer

(2) A seller must not sell more fireworks to an unlicensed buyer than the buyer is authorized by the local authority to store or the quantity set out in section 427, whichever is less.

Record of sale

421. A seller must keep a record of every sale of fireworks for two years after the date of the sale. The record must include the following information and document:

(a) the buyer’s name and address;

(b) the number and expiry date of their licence or fireworks operator certificate;

(c) a copy of a local authority’s approval to hold the fireworks display in which the fireworks will

be used;

(d) the type and trade name of each firework sold and the name of the person who obtained its authorization;

(e) the quantity of fireworks sold under each trade name; and

(f) the date of the sale.

Subdivision b

Rules for Users

Fireworks Operator Certificates

Types of certificates

422. The certificates issued by the Minister of Natural Resources that are required for the use of fireworks are the following:

(a) fireworks operator certificate (display assistant);

(b) fireworks operator certificate (display supervisor);

(c) fireworks operator certificate (display supervisor with endorsement); and

(d) fireworks operator certificate (display visitor).

Qualifications to Obtain a Certificate

Display assistant

423. (1) To obtain a fireworks operator certificate (display assistant), a person must successfully complete the display fireworks safety and legal awareness course offered by the Explosives Regulatory Division, Department of Natural Resources or a course certified as equivalent by the Minister of Natural Resources.

Display supervisor

(2) To obtain a fireworks operator certificate (display supervisor), a person must have acted as a display assistant in at least three fireworks displays within five years after the date on which the applicant completed the display fireworks safety and legal awareness course or its equivalent.

Display supervisor with endorsement

(3) To obtain a fireworks operator certificate (display supervisor with endorsement), a person must hold a fireworks operator certificate (display supervisor) and must either

(a) successfully complete an advanced safety course, certified by the Minister of Natural Resources, on the fireworks or display sites covered by the endorsement; or

(b) demonstrate to the Minister that, working under the direct supervision of a display supervisor in charge, they have obtained the necessary experience to safely carry out the activities covered by the endorsement.

Display visitor

(4) To obtain a fireworks operator certificate (display visitor), a person must reside outside Canada and must have the experience necessary to safely carry out the activities of a holder of a fireworks operator certificate (display assistant).

Application

Applying for certificate

424. (1) An applicant for a fireworks operator certificate (display assistant) must complete, sign and send to the Chief Inspector of Explosives the application form provided by the Department of Natural Resources. The application must include the following information and documents:

(a) the applicant's name, date of birth, address, telephone number, fax number and email address;

(b) the name of any organization of fireworks operators to which the applicant belongs;

(c) a photo of the applicant taken within the previous 12 months; and

(d) proof that the applicant has successfully completed the display fireworks safety and legal awareness course offered by the Explosives Regulatory Division, Department of Natural Resources or a course certified as equivalent by the Minister of Natural Resources.

Proof of course competition

(2) An applicant who, at the time of their application, has not completed the display fireworks safety and legal awareness course or a certified equivalent may submit their proof of successful completion to the Chief Inspector of Explosives at any time within six months after the date on which their application is submitted.

Display supervisor

(3) An applicant for a fireworks operator certificate (display supervisor) must complete, sign and send to the Chief Inspector of Explosives the application form provided by the Department of Natural Resources. The application must include the following information and documents:

- (a) the applicant's name, date of birth, address, telephone number, fax number and email address;
- (b) the name of any organization of fireworks operators to which the applicant belongs;
- (c) the number and expiry date of the applicant's fireworks operator certificate;
- (d) a photo of the applicant taken within the previous 12 months;
- (e) a copy of the applicant's work journal that sets out
 - (i) the date and place of each fireworks display at which the applicant has worked and a description of the fireworks used,
 - (ii) the capacity in which the applicant acted at each fireworks display, and
 - (iii) the name of the display supervisor in charge at each fireworks display; and
- (f) a letter of recommendation.

Endorsements

(4) In an application for a fireworks operator certificate (display supervisor with endorsement), in addition to providing the information and documents referred to in subsection (3), the applicant must establish that they have acted as a display supervisor in charge in at least three fireworks displays within the previous five years and,

- (a) for a large shell endorsement, establish that they hold a fireworks operator certificate (display supervisor) and submit a letter that is signed by the display supervisor in charge of a display at which the applicant was trained in the use of large shells and which attests that the applicant is able to safely use the shells;
- (b) for a nautical effects endorsement, establish that they hold a fireworks operator certificate (display supervisor) and submit a letter that is signed by the display supervisor in charge of a display at which the applicant was trained in the use of nautical effects and which attests that the applicant is able to safely use the effects;
- (c) for a flying saucer endorsement, establish that they hold a fireworks operator certificate (display supervisor) and submit a letter that is signed by the display supervisor in charge of a display at which the applicant was trained in the use of flying saucers and which attests that the applicant is able to safely use flying saucers;
- (d) for a rooftop site endorsement, establish that they hold a fireworks operator certificate (display supervisor) and submit a letter that is signed by the display supervisor in charge of a display at which the applicant was trained to fire fireworks from a rooftop and which attests that the applicant is able to safely fire from a rooftop site;
- (e) for a bridge site endorsement, establish that they hold a fireworks operator certificate (display supervisor) and submit a letter that is signed by the display supervisor in charge of a display at which the applicant was trained to fire fireworks from a bridge and which attests that the applicant can safely fire from a bridge site;
- (f) for a flatbed site endorsement, establish that they hold a fireworks operator certificate (display supervisor) and submit a letter that is signed by the display supervisor in charge of a display at which the applicant was trained to fire fireworks from a flatbed and which attests that the applicant can safely fire from a flatbed site; or
- (g) for a floating platform site endorsement, establish that they hold a fireworks operator certificate (display supervisor) and submit a letter that is signed by the display supervisor in charge of a display in which the applicant was trained to fire fireworks from a floating platform and which attests that the applicant can safely fire from a floating platform site.

Display visitor

(5) An applicant for a fireworks operator certificate (display visitor) must complete, sign and send to the

Chief Inspector of Explosives the application form provided by the Department of Natural Resources. The application must include the following information and documents:

- (a) the applicant's name, date of birth, address, telephone number, fax number and email address;
- (b) the name of any organization of fireworks operators to which the applicant belongs;
- (c) a photo of the applicant taken within the previous 12 months;
- (d) a copy of the applicant's resumé which sets out the displays in which they have used display fireworks and the people and organizations for which they have worked;
- (e) a list of the fireworks displays in which they plan to participate in Canada and the dates of the events; and
- (f) the name, telephone number and number of the fireworks operator certificate of the supervisor in charge at each fireworks display in which they plan to participate.

Fees

(6) An applicant for a fireworks operator certificate or for a modification to a certificate must pay the applicable fees set out in Part 19.

Acquisition and Storage

Acquisition

425. A user may acquire fireworks, whether or not they hold a licence, if they hold the fireworks operator certificate required for the use of the fireworks to be acquired. A user who acquires fireworks must comply with this Division.

Storage — licence holder

426. (1) A user who holds a licence must store their fireworks in the magazine specified in their licence.

Electric matches

(2) A user must not store electric matches in a magazine in which other fireworks are stored.

Storage — display supervisor in charge

427. A user who is the display supervisor in charge of a display, whether or not they hold a licence, may store the quantity of fireworks to be used in a display — to a maximum of 500 electric matches and 125 kg of other fireworks — in a storage unit if they obtain the written approval of the local authority to do so. The user must ensure that the requirements in section 428 are met.

Storage unit requirements

428. When fireworks are stored in a storage unit,

- (a) the storage unit must be located in a dry place, away from flammable substances and sources of ignition;
- (b) the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;
- (c) if the storage unit is a container, it must not impede exit in case of fire;
- (d) if the storage unit is not a container, all exits must be kept unobstructed;
- (e) any shelving in the storage unit must be made from a non-sparking material (for example, wood or painted metal);
- (f) only explosives classified as type F may be stored in the storage unit;
- (g) electric matches must be stored separately from other explosives (for example, on different shelves or separated by a wooden partition);
- (h) the storage unit must be attended when it is unlocked;
- (i) the storage unit must be kept clean, dry, organized and free of grit;
- (j) any spill, leakage or other contamination in the storage unit must be cleaned up immediately;
- (k) precautions that minimize the likelihood of fire in or near the storage unit must be taken; and

(f) a sign that displays the words “Danger — Fire Hazard/Risque d’incendie” in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

Use

Display assistant and display visitor

429. A user may use fireworks if they hold a fireworks operator certificate (display assistant) or a fireworks operator certificate (display visitor) and use them under the direct supervision of the display supervisor in charge.

Display supervisor

430. (1) A user may use fireworks other than aerial shells with a diameter of more than 155 mm, nautical shells and flying saucers if they hold a fireworks operator certificate (display supervisor) and fire them from a site other than a rooftop, bridge, flatbed or floating platform.

Endorsement required

(2) A user may

(a) use aerial shells with a diameter of more than 155 mm, nautical shells and flying saucers if they hold a fireworks operator certificate (display supervisor) that includes the required endorsement or they are under the direct supervision of a display supervisor in charge whose certificate includes the required endorsement; and

(b) fire fireworks from a rooftop site, bridge site, flatbed site or floating platform site if they hold a fireworks operator certificate (display supervisor) that includes the required endorsement or they are under the direct supervision of a display supervisor in charge whose certificate includes the required endorsement.

Subdivision c

Supervision of a Fireworks Display

Definition of “firing site”

431. In this subdivision, “firing site” means the area within a display site where the fireworks are set up and fired.

Display supervisor in charge

432. (1) Every person who organizes a fireworks display must ensure that it is supervised by a display supervisor in charge.

Responsibilities

(2) The display supervisor in charge must ensure that the display is carried out safely and that the requirements in sections 433 to 439 are met.

Plan

433. (1) A fireworks display plan must be prepared in writing and kept for two years after the date of the display. The plan must include the following information:

(a) the name of the display supervisor in charge and the number and expiry date of their fireworks operator certificate;

(b) the location of any storage units in which the fireworks to be displayed will be stored before or after the display;

(c) a description of the display site, including the distance in metres from the firing site to the nearest spectators, buildings, structures and vulnerable sites;

(d) the type and trade name of each firework to be used and the name of the person who obtained its authorization;

(e) the quantity of fireworks to be used under each trade name;

(f) a description of how the fireworks will be positioned within the firing site and how they will be fired;

(g) a description of the crowd-control measures that will be taken; and

(h) an assessment of the likelihood of harm to people and property resulting from the use of the fireworks.

Approval

(2) The plan must be submitted to the local authority. The written approval of the local authority to hold

the fireworks display must be obtained before the display takes place.

Safety meetings

(3) Meetings must be held with all people who will participate in presenting the fireworks display (for example, security guards and technicians) to inform them of the fireworks that will be used and the safety precautions to be taken during the display. Subsequent meetings must be held if the display is changed in a way that increases the likelihood of harm to people or property resulting from the use of the fireworks.

Fireworks to be attended

434. The fireworks must be attended when they are not in a storage unit or a magazine.

Danger zone

435. (1) When the fireworks are brought to the firing site, a danger zone must be established whose outer boundary is at least 30 m from the perimeter of the firing site. A smaller danger zone may be established only with the written approval of the local authority.

Flammables

(2) The danger zone must not contain any flammables or other items that are likely to catch fire.

Fallout zone

(3) Before the continuity of the circuits is tested or, in the case of manually fired fireworks, before the first firework is fired, a fallout zone must be established that encompasses the area in which fireworks debris is likely to fall, taking into account the properties of the fireworks to be used, the angle from which they will be fired and the anticipated weather conditions.

Access

(4) Only people authorized by the display supervisor in charge may enter or be in the danger zone or the fallout zone from the time any fireworks are brought into the zone until the supervisor in charge declares the zone to be free of explosives.

No smoking

(5) Smoking must be prohibited in the danger zone.

Fire prevention and first aid

436. During the fireworks display, fire prevention measures that minimize the possibility of harm to people or property must be put in place and facilities, equipment and personnel for fire fighting and administering first aid that minimize the possibility of harm must be present at the site.

Firing procedures

437. (1) Fireworks must be positioned and aimed so that after firing they will not cross over or burst directly above the spectators and any debris from the fireworks will fall within the fallout zone.

Aerial shells

(2) When aerial shells are fired,

(a) the mortars and mortar racks that are used to fire the shells must be robust, in sound condition and otherwise safe and effective;

(b) the mortars and mortar racks must be assembled, arranged and secured in a manner that minimizes the likelihood of harm to people and property if there is a premature explosion of a shell;

(c) any support structures must be secured so that they do not fall over when a shell is fired; and

(d) multi-break shells in racks, report shells and shells with a diameter of more than 155 mm must be fired with electric matches.

Access to firing unit

(3) Only the display supervisor in charge, or a person designated by the display supervisor in charge, may have access to a firing unit.

Physical keying device

(4) The display supervisor in charge, or a person designated by the display supervisor in charge, must have control of any physical keying device at all times.

Safety interlock

(5) All firing units must be equipped with a safety interlock that has at least two steps.

Wireless firing unit

(6) Any wireless firing unit must be equipped with at least two different non-commercial operational frequencies.

Extraneous electricity

(7) Precautions must be taken that minimize the likelihood of extraneous electricity igniting an electric match.

Connecting to power supply

(8) A firing unit must not be connected to a power supply except during a test of circuit continuity or immediately before fireworks are to be fired. The circuit continuity tester must be current-limited and intrinsically safe so as to eliminate any possibility of an ignition.

Damaged fireworks

(9) Fireworks that are damaged, leaking, damp or contaminated must not be used.

No firing

(10) Fireworks must not be fired if a circumstance occurs that could increase the likelihood of harm to people or property.

Postponing or stopping display

(11) A fireworks display must be postponed or stopped if unfavourable weather conditions develop, a firework malfunctions or any other circumstance occurs that could increase the likelihood of harm to people or property.

Firing unit disconnected

438. (1) The firing unit must be disconnected immediately after the fireworks display as well as during a pause in the display if keeping the unit connected could increase the likelihood of harm to people or property. When a unit is disconnected, any physical keying device must be removed and kept in the possession of the display supervisor in charge or a person designated by the display supervisor in charge.

Electrical firing

(2) The firing site must not be approached until 30 minutes after the display has ended if any fireworks used in the display were fired with an electric match.

Manual firing

(3) Misfired fireworks must not be approached until 30 minutes after the display has ended if the fireworks used in the display were manually fired.

Precautions

(4) Precautions must be taken that minimize the likelihood of harm to people and property from misfired fireworks.

Search

(5) As soon as the circumstances permit after the periods referred to in subsections (2) and (3), the fallout zone must be searched and all explosives must be removed.

Access

(6) After the display, only people designated to do a search by the display supervisor in charge may enter or be in the fallout zone until the pyrotechnician in charge declares the zone to be free of explosives.

Second search

(7) The fallout zone must be searched more thoroughly as soon as light and weather conditions permit.

Record of use

439. A record of the display must be made in a logbook that sets out the name of the display supervisor in charge and the number and expiry date of their fireworks operator certificate. The logbook must be kept for two years after the date of the last recorded display. The record must include the following information and documents:

(a) a copy of the fireworks display plan prepared for the display;

(b) a copy of the local authority's approval to hold the display;

(c) the name and address of every person who worked at the display under the supervision of the display supervisor in charge; and

(d) a description of any unusual circumstance, a statement of the number of misfires and a description of how each misfire was dealt with.

Record of licence holder

440. When a fireworks display is held on behalf of a licence holder, the licence holder must keep a record of the display for two years after the date of the display. The record must include the following information and documents:

- (a) the licence holder's name and address and the number and expiry date of the licence;
- (b) a copy of the local authority's approval to hold the display;
- (c) the name of the display supervisor in charge and the number and expiry date of their fireworks operators certificate;
- (d) the trade name and diameter of each firework used and the name of the person who obtained its authorization;
- (e) the quantity of fireworks used under each trade name; and
- (f) the date and site of the display.

DIVISION 2

FIRECRACKERS

*Subdivision a**Rules for Sellers*

Sale

441. A seller may sell firecrackers to a buyer who provides the seller with a copy of their firecracker use certificate. However, the quantity of firecrackers sold must not exceed the quantity that the buyer is authorized by their certificate to use.

Record of sale

442. A seller must keep a record of every sale of firecrackers for two years after the date of the sale. The record must include the following information and documents:

- (a) the buyer's name and address;
- (b) a copy of the buyer's firecracker use certificate;
- (c) the quantity of firecrackers sold; and
- (d) the date of the sale.

Unused or misfired firecrackers

443. A seller must accept any unused or misfired firecrackers that are returned.

*Subdivision b**Rules for Users*

Firecracker Use Certificate

Certificate

444. To obtain a firecracker use certificate, a person must demonstrate to the Minister of National Resources that they are able to safely use firecrackers and that precautions will be taken that minimize the likelihood of harm to people and property resulting from their use.

Application for certificate

445. An applicant for a firecracker use certificate must complete, sign and send to the Chief Inspector of Explosives the application form provided by the Department of Natural Resources. The application must include the following information:

- (a) the applicant's name, date of birth, address and telephone number;
- (b) a description of their past experience using firecrackers;
- (c) the quantity of firecrackers that the applicant intends to use and the time, date and site of use;
- (d) a copy of the local authority's written approval to use the firecrackers; and
- (e) a description of the safety precautions that will be taken when using the firecrackers.

Acquisition and Storage

Acquisition

446. A user may acquire, store and use firecrackers, whether or not they hold a licence, if they hold a firecracker use certificate. A user who acquires firecrackers must comply with this subdivision.

Storage — licensed user

447. (1) A user who holds a licence must store their firecrackers in the magazine specified in the licence.

Storage — unlicensed user

(2) A user who does not hold a licence must store their firecrackers in a dwelling or a storage unit and ensure that the requirements of sections 448 and 449 are met.

Maximum quantity

448. No more than five cases of firecrackers — not exceeding 16 000 firecrackers per case — may be stored at any one time.

Storage requirements — dwelling

449. (1) When firecrackers are stored in a dwelling, they must be stored away from flammable substances and sources of ignition, in a manner that protects the firecrackers against theft and ensures that access to them is limited to people authorized by the user.

Storage requirements — storage unit

(2) When firecrackers are stored in a storage unit,

- (a) the storage unit must be located in a dry place, away from flammable substances and sources of ignition;
- (b) the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;
- (c) if the storage unit is a container, it must not impede exit in case of fire;
- (d) if the storage unit is not a container, all exits must be kept unobstructed;
- (e) any shelving in the storage unit must be made from a non-sparking material (for example, wood or painted metal);
- (f) only firecrackers may be stored in the storage unit;
- (g) the storage unit must be attended when it is unlocked;
- (h) the storage unit must be kept clean, dry, organized and free of grit;
- (i) any spill, leakage or other contamination in the storage unit must be cleaned up immediately;
- (j) precautions that minimize the likelihood of fire in or near the storage unit must be taken; and
- (l) a sign that displays the words "Danger — Fire Hazard/Risque d'incendie" in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

Use

Approval required

450. (1) Before using firecrackers, a user must obtain written approval from the local authority.

Precautions

(2) When using firecrackers, the user must take the following precautions:

- (a) non-flammable clothing and protective equipment that minimizes the likelihood of harm to the user must be worn; and
- (b) at least one fire extinguisher with a capacity of at least 3-A :60-B:C must be easily accessible.

Misfired firecrackers

(3) A user must remove any misfired firecrackers from the site of use as soon as the circumstances permit after the display.

Firecrackers to be returned

(4) A user must return all misfired and unused firecrackers to the seller as soon as the circumstances permit after the date of use specified in the firecracker certificate.

PART 19

FEES

Overview

451. This Part sets out the fees payable for obtaining authorizations, permits, licences and certificates.

Definitions

452. The following definitions apply in this Part.

"distribution establishment

« *établissement de distribution* »

"distribution establishment" has the same meaning as in section 144.

"division 1 factory licence"

« *licence de fabrique de la section 1* »

"division 1 factory licence" has the same meaning as in section 55.

"manufacturing certificate"

« *certificat de fabrication* »

"manufacturing certificate" has the same meaning as in section 106.

"mobile process unit"

« *unité de fabrication mobile* »

"mobile process unit" has the same meaning as in section 56.

"process unit"

« *unité de fabrication* »

"process unit" has the same meaning as in section 56.

"retail establishment"

« *établissement de vente au détail* »

"retail establishment" has the same meaning as in section 144.

"user magazine licence"

« *licence de poudrière (utilisateur)* »

"user magazine licence" has the same meaning as in section 144.

"user magazine zone licence"

« *licence de poudrière (utilisateur-zone)* »

"user magazine zone licence" has the same meaning as in section 144.

"vendor magazine licence"

« *licence de poudrière (vendeur)* »

"vendor magazine licence" has the same meaning as in section 144.

NEQ

453. In this Part, "NEQ" means net explosives quantity (the mass of the explosives excluding the mass of any packaging or container).

Fees

454. (1) The fees to be paid for obtaining the authorizations, licences, permits and certificates set out in column 1 of the table to this section are set out in column 2.

Payment deadline

(2) The fees are payable at the time the application is submitted. However, the fees referred to in items 1 and 3 of the table are payable within 30 days after the date of the invoice from the Department of Natural Resources.

TABLE

Item	Column 1	Column 2
	Authorization, Permit, Licence or Certificate	Fees

- Authorization of an explosive:
1. Authorization for an indefinite period
 - \$12 for each explosive, subject to a minimum fee per application of \$125 and a maximum fee of \$2,500 per year, plus
 - (a) for an explosive manufactured in Canada, \$4 per year for each explosive substance and each group of explosive articles having the same design and construction (regardless of differences in size or colour effects), subject to a minimum fee per manufacturer of \$125 per year and a maximum fee per manufacturer of \$1,250 per year; and
 - (b) for an explosive manufactured outside Canada, \$15 per year for each explosive substance and each group of explosive articles having the same design and construction (regardless of differences in size or colour effects), subject to a minimum fee per manufacturer of \$125 per year and a maximum fee per manufacturer of \$2,500 per year
 2. Authorization for a specified period, for use other than at a tour or international competition \$150
 3. Authorization for a specified period for use at a tour or international competition \$500 for each pyrotechnic event or fireworks display, subject to a maximum fee of \$2,500 for events or displays that are part of the same tour or international competition
 4. Permit to import explosives: Single use permit \$160
 5. Annual permit \$160 plus \$20 for each 1 000 kg NEQ imported, subject to a maximum fee of \$1,300, calculated
 - (a) on the basis of the estimated maximum quantity to be imported during the year, for an initial application; and
 - (b) on the basis of the quantity imported during the most recent year of importation, for any subsequent application
- Factory licence:
6. Initial division 1 factory licence to manufacture blasting, bulk or defence explosives
 - Subject to a minimum fee of \$3,000 and a maximum fee of \$30,000, the total of
 - (a) \$800 for each process unit,
 - (b) \$800 for each mobile process unit,
 - (c) \$17 for each 1 000 kg NEQ storage limit increment of each magazine other than a detonator magazine, and
 - (d) \$225 for each detonator magazine
 7. Renewal of a division 1 factory licence to manufacture blasting, bulk or military explosives
 - Subject to a minimum fee of \$3,000 and a maximum fee of \$30,000, the total of
 - (a) \$575 for each process unit,
 - (b) \$575 for each mobile process unit,

(c) \$17 for each 1 000 kg NEQ storage limit increment of each magazine other than a detonator magazine, and

(d) \$225 for each detonator magazine

8. Division 1 factory licence to manufacture any other explosives, and any other factory licence
- Subject to a minimum fee of \$800 and a maximum fee of \$3,000, the total of
- (a) \$800 for each process unit, and

(b) \$17 for each 1 000 kg NEQ storage limit increment, for any quantity greater than 250 kg NEQ

Vendor magazine licence:

9. Vendor magazine licence to store high explosives or initiation systems
- The total of
- (a) \$25 for each 1 000 kg NEQ of storage limit increment of each magazine other than a detonator magazine, and
- (b) \$275 for each detonator magazine

10. Vendor magazine licence to store any other explosives
- (a) \$140 for each retail establishment;
- (b) \$350 for each distribution establishment; and
- (c) \$700 for each distribution establishment that repackages explosives

User magazine licence:

11. User magazine licence to store high explosives or initiation systems, other than high explosives and initiation systems stored by law enforcement agencies
- \$140 per magazine, subject to a minimum fee of \$280

12. User magazine zone licence to store high explosives or initiation systems
- \$200 per magazine, subject to a minimum fee of \$400

13. User magazine licence to store any other explosives, other than explosives stored by law enforcement agencies
- \$70

Manufacturing certificate:

14. Certificate to manufacture blasting explosives
- \$200 per month, subject to a minimum fee of \$800 and a maximum fee of \$1,600

15. Certificate to mechanically blend ammonium nitrate and fuel oil for immediate use at a blast site
- \$800

16. Any other manufacturing certificate
- \$75

	Fireworks operator certificate:	
17.	Initial certificate	\$150
18.	Modification to or change of certificate	\$100
19.	Renewal of certificate	\$100

Terms preceded by an asterisk are defined in section 6.

PART 20

RESTRICTED COMPONENTS

Overview

455. This Part prescribes components of explosives for the purpose of the definition “restricted component” in section 2 of the *Explosives Act*, restricts the acquisition and sale of those components and sets out the requirements for their sale and storage.

Definitions

456. The following definitions apply in this Part.

“component seller”
« *vendeur de composant* »

“component seller” means a person who is included on the component sellers list.

“component sellers list”
« *liste des vendeurs de composants* »

“component sellers list” means the list of component sellers that is compiled by the Chief Inspector of Explosives under subsection 463(1).

“product seller”
« *vendeur de produits* »

“product seller” means a person who is included on the product sellers list.

“product sellers list”
« *liste des vendeurs de produits* »

“product sellers list” means the list of product sellers that is compiled by the Chief Inspector of Explosives under section 464(1).

“restricted component product”
« *produit de composant d’explosif limité* »

“restricted component product” means a product, other than an explosive, that contains or is made from a restricted component.

“sell”
« *vendre* »

“sell” includes offer for sale.

COMPONENTS AND ACTIVITIES

Prescribed components

457. (1) The following components are prescribed for the purpose of the definition “restricted component” in section 2 of the *Explosives Act*:

- (a) ammonium nitrate in solid form at a concentration of at least 28% nitrogen;
- (b) hydrogen peroxide at a concentration of at least 30%;
- (c) nitromethane, UN number 1261;
- (d) potassium chlorate, UN number 1485;
- (e) potassium perchlorate, UN number 1489;
- (f) sodium chlorate in solid form, UN number 1495;

- (g) nitric acid at a concentration of at least 75%;
- (h) potassium nitrate, UN number 1486;
- (i) potassium nitrate and sodium nitrate mixture, UN number 1499; and
- (j) sodium nitrate in solid form, UN number 1498.

Sale restricted

(2) The components set out in subsection (1) may be sold only by a person who is authorized by this Part to sell restricted components.

Acquisition restricted

(3) The components set out in subsection (1) may be acquired for the purpose of manufacturing restricted component products for sale only by a person who is authorized by this Part to acquire restricted components for that purpose.

AUTHORIZED SALE AND ACQUISITION

Sale — use in laboratories

458. (1) Any person may sell a restricted component for use in a laboratory that is part of or affiliated with

- (a) a post-secondary educational institution recognized by a province;
- (b) a hospital or health clinic; or
- (c) a government or law enforcement agency.

Sale

(2) A component seller may sell a restricted component. A component seller who acquires a restricted component for sale must comply with this Part.

Acquisition — product sellers

459. A product seller may acquire a restricted component for the purpose of manufacturing restricted component products for sale. A product seller who acquires a restricted component must comply with this Part.

Acquisition — others

460. Any person may acquire a restricted component for a purpose other than manufacturing restricted component products for sale.

COMPONENT SELLERS AND PRODUCT SELLERS LISTS

Application — component seller

461. (1) An applicant for inclusion on the component sellers list must complete, sign and send to the Chief Inspector of Explosives the application form provided by the Department of Natural Resources. The application must include the following information:

- (a) the applicant's name, address, telephone number, fax number and email address;
- (b) the restricted components to be sold;
- (c) the address of each location where a restricted component will be stored or sold and the storage capacity or anticipated annual sales volume, as the case may be, for each component at each location; and
- (d) the name, address, telephone number, fax number and email address of a contact person for each location where a restricted component will be stored or sold.

Security plan

(2) If ammonium nitrate is to be sold, the application must also include a declaration that a security plan has been prepared for each location where ammonium nitrate will be stored or sold. The plan must include

- (a) a description of the emergency procedures to be followed in responding to all risk events, including security-related events, and an indication of the title of the person who will be responsible for ensuring that each procedure is followed;
- (b) a description of the measures to be taken to control access to the ammonium nitrate, including control of keys;

(c) a description of the measures to be taken to control access to sales records;

(d) a description of the stock management system to be implemented and the title of the person who will be responsible for carrying out weekly inspections of the stock; and

(e) a description of the measures to be taken to ensure that the sale of ammonium nitrate will be refused if the quantity requested is not proportional to the buyer's needs or if the component seller or their employee has reasonable grounds to suspect that the ammonium nitrate will be used for a criminal purpose.

Application — product seller

462. (1) An applicant for inclusion on the product sellers list must complete, sign and send to the Chief Inspector of Explosives the application form provided by the Department of Natural Resources. The application must include the following information:

(a) the applicant's name, address, telephone number, fax number and email address;

(b) the trade name of each restricted component product to be sold;

(c) a list of the restricted components that will be used in manufacturing the products;

(d) the address of each location where a restricted component will be stored and the storage capacity for each component at each location; and

(e) the name, address, telephone number, fax number and email address of a contact person for each location where a restricted component will be stored.

Security plan

(2) If ammonium nitrate is to be stored, the application must include a declaration that a security plan has been prepared for each location where ammonium nitrate will be stored. The plan must include

(a) a description of the emergency procedures to be followed in responding to all risk events, including security-related events, and an indication of the title of the person who will be responsible for ensuring that each procedure is followed;

(b) a description of the measures to be taken to control access to the ammonium nitrate, including control of keys; and

(c) a description of the stock management system to be implemented and the title of the person who will be responsible for carrying out weekly inspections of the stock.

Listing of component seller

463. (1) If an applicant provides the information required by section 461, the Chief Inspector of Explosives must include their name on the component sellers list and provide them with a document that certifies the number and effective date of listing.

Duration of listing

(2) A listing is effective for five years after the date that is set out in the document.

Listing of product seller

464. (1) If an applicant provides the information required by section 462, the Chief Inspector of Explosives must include their name on the product sellers list and provide them with a document that sets out the number and effective date of listing.

Duration of listing

(2) A listing is effective for five years after the date that is set out in the document.

Notice of change

465. Every component seller and product seller must provide the Chief Inspector of Explosives with a written notice of any change to the information provided in an application within 10 days after the date of the change.

RULES FOR COMPONENT SELLERS AND PRODUCT SELLERS

Restricted Components other than Ammonium Nitrate

Application

466. Sections 467 to 477 apply to all restricted components except ammonium nitrate.

Responsibilities of component seller and product seller

467. Every component seller must ensure that the requirements of sections 468 to 477 are met at each location where they store or sell a restricted component. Every product seller must ensure that the

requirements of sections 468 to 472 are met at each location where they store a restricted component.

Authorized location

468. A restricted component may only be stored in or sold from a location that has been disclosed in an application or in a notice of change referred to in section 465.

Components to be locked up

469. (1) A restricted component must be locked up when it is not attended.

Sign

(2) At each location where a restricted component is stored, a sign that warns against unauthorized access must be posted on the outside at each entrance.

Access

(3) Access to a restricted component must be limited to people authorized by the component seller or product seller, as the case may be.

Employee list

470. A list of the employees who work at each location where a restricted component is stored or sold must be kept at the location.

Stock management

471. (1) All restricted components that are under the control of a component seller or product seller must be accounted for on an ongoing basis by means of a stock management system.

Weekly inspection

(2) Weekly inspections of the restricted components must be carried out. A record of the results of each inspection, including any loss or tampering and the cause of any loss that is not attributable to normal operations, must be kept for two years after the date on which the record is made.

Theft or tampering

472. If any theft or attempted theft of, or any tampering with, a restricted component is discovered,

- (a) the local police force must be informed immediately;
- (b) the Chief Inspector of Explosives must be informed within 24 hours after the discovery; and
- (c) a written report of the incident must be submitted to the Chief Inspector as soon as the circumstances permit.

No sale

473. (1) The sale of a restricted component must be refused if the seller has reasonable grounds to suspect that the component will be used for a criminal purpose.

Report

(2) Every refusal to sell a restricted component as a result of complying with subsection (1) or section 477 must, within 24 hours after the refusal, be reported to the Chief Inspector of Explosives and to the local police force.

Identification

474. Before a restricted component is sold, the buyer must be required to establish their identity by providing

- (a) if the buyer intends to use the component to manufacture an explosive and a licence or certificate is required for this purpose, the number of the buyer's licence or certificate;
- (b) if the buyer intends to sell the component, proof that the buyer is included on the component sellers list; or
- (c) in all other cases,
 - (i) a piece of identification issued by the Government of Canada, or a provincial, municipal or foreign government, that bears a photograph of the buyer,
 - (ii) two pieces of identification, each of which sets out the buyer's name, at least one of which is issued by the Government of Canada or a provincial, municipal or foreign government and at least one of which sets out the buyer's address,
 - (iii) the buyer's provincial pesticide licence,

- (iv) proof of the buyer's Canadian Wheat Board identification number,
- (v) proof of the buyer's Producteur Agricole number,
- (vi) proof of the buyer's Ontario Federation of Agriculture number,
- (vii) the buyer's business licence or proof of the buyer's corporate registration, or
- (viii) proof of the buyer's registration under the *Controlled Goods Regulations*.

Intermediary

475. A restricted component may be sold to a buyer who is unable to establish their identity in accordance with section 474 if another component seller confirms in writing that they have been provided with the identification required for that buyer. The confirmation must set out the type of document provided to the other component seller and its reference number.

Record of sale

476. (1) A record of each sale of a restricted component must be kept for two years after the date of the sale. The record must include the following information and documents:

- (a) the buyer's name, address and telephone number;
- (b) the date of the sale;
- (c) the bill of lading, sales receipt or similar document;
- (d) the type of document provided under section 474 and the document's reference number;
- (e) the trade name and quantity of the component sold;
- (f) an indication of whether the component is sold in bulk or in packages;
- (g) if the component is sold in packages, the weight or volume of each package;
- (h) a description of how the component will be used; and
- (i) if the component is shipped, the date of reception and the quantity received.

Annual sales contract

(2) In the case of a component seller who has entered into an annual sales contract with a buyer, the information required under paragraphs (1)(d) and (h) need only be recorded once in each calendar year.

Access

(3) The record of sale must be kept locked up when it is not being used and must be made available only to a person who needs access to it in the course of their employment.

Exception

(4) This section does not apply to a sale of the following restricted components if the quantity sold is no more than the quantity set out below:

- (a) hydrogen peroxide, 1 L;
- (b) nitromethane, 1 L;
- (c) potassium chlorate, 1 kg;
- (d) potassium perchlorate, 10 kg;
- (e) sodium chlorate, 1 kg;
- (f) nitric acid, 4 L;
- (g) potassium nitrate, 25 kg; and
- (h) sodium nitrate, 25 kg.

Note: This exception for small sales of restricted components applies only to the requirement to keep records of sales.

Responsibility of employee

477. An employee of a component seller must not sell a restricted component if they have reasonable

grounds to suspect that the component will be used for a criminal purpose.

Ammonium Nitrate

Application

478. Sections 479 to 496 apply to ammonium nitrate.

Responsibilities of component seller and product seller

479. Every component seller must ensure that the requirements of sections 480 to 496 are met at each location where they store or sell ammonium nitrate. Every product seller must ensure that the requirements of sections 480 to 489 are met at each location where they store ammonium nitrate.

Permitted location

480. Ammonium nitrate may only be stored at or sold from a location that has been disclosed in an application or in a notice of change referred to in section 465.

Notice

481. The local police force must be informed in writing of all locations where ammonium nitrate is to be stored or sold.

Locked structures

482. (1) Any structure that contains ammonium nitrate and every door, window or other point of access to a building in which ammonium nitrate is stored must be locked when the ammonium nitrate is not attended.

Key control plan

(2) A key control plan must be prepared in writing and implemented.

Lighting

(3) All main entrances to a building in which ammonium nitrate is stored must be lit at all times outside business hours.

Security plan

483. The security plan of the component seller or the product seller, as the case may be, must be implemented and must be updated every 12 months.

Sign

484. (1) At each location where ammonium nitrate is stored, a sign that warns against unauthorized access must be posted on the outside at each entrance.

Access

(2) Access to ammonium nitrate must be limited to people authorized by the component seller or product seller, as the case may be.

Employee list

485. A list of the employees who work at each location where ammonium nitrate is stored or sold must be kept at the location.

Verification

486. When ammonium nitrate is received,

(a) the quantity of ammonium nitrate that is received must be compared with the quantity that is recorded on the bill of lading;

(b) any signs of tampering with the vehicle or rail car in which the ammonium nitrate is shipped and any signs of attempted theft must be recorded, and the record must be kept for two years after the date on which it is made;

(c) the person from whom the ammonium nitrate was bought must be informed of any signs of tampering or attempted theft and of any loss that is not attributable to normal operations; and

(d) the cause of any loss of ammonium nitrate that is not attributable to normal operations must be recorded, and the record must be kept for two years after the date on which it is made.

Stock management

487. (1) All ammonium nitrate that is under the control of a component seller or product seller must be accounted for, on an ongoing basis, by means of a stock management system.

Audit

(2) An annual inventory audit of the ammonium nitrate must be performed.

Weekly inspections

(3) Weekly inspections of the ammonium nitrate must be carried out. A record of the results of each inspection, including any loss or tampering and the cause of any loss that is not attributable to normal operations, must be kept for two years after the record is made.

Annual inventory

488. For each calendar year, an inventory must be submitted to the Chief Inspector of Explosives in the form provided by the Department of Natural Resources. The inventory must be submitted no later than March 31 of the year following the year of the inventory and must include the following information:

- (a) the listing number of the component seller or product seller;
- (b) a record of the ammonium nitrate that sets out, for each location where ammonium nitrate is stored or sold, as the case may be, the following information:
 - (i) the starting inventory,
 - (ii) the quantity of ammonium nitrate that was manufactured,
 - (iii) the quantity of ammonium nitrate that was acquired and the manner of acquisition;
 - (iv) the quantity of ammonium nitrate that was used, sold, exported, destroyed, stolen or lost, as the case may be,
 - (v) the year-end inventory, and
 - (vi) the historical normal range of loss that is due to loss of water or mechanical abrasion; and
- (c) the name, address, telephone number, fax number and email address of the person who completed the form.

Theft or tampering

489. If any theft or attempted theft of, or tampering with, ammonium nitrate is discovered,

- (a) the local police force must be informed immediately; and
- (b) a written report of the incident must be submitted to the Chief Inspector of Explosives within 24 hours after the discovery.

No sale

490. (1) A sale of ammonium nitrate must be refused if

- (a) the quantity requested is not proportional to the buyer's needs; or
- (b) the component seller or their employee has reasonable grounds to suspect that the ammonium nitrate will be used for a criminal purpose.

Report

(2) Every refusal to sell ammonium nitrate as a result of complying with subsection (1) or section 501 must, within 24 hours after the refusal, be reported to the Chief Inspector of Explosives and to the local police force.

Identification

491. Before ammonium nitrate is sold, the buyer must be required to establish their identity by providing

- (a) if the buyer intends to use the ammonium nitrate to manufacture an explosive and a licence or certificate is required for this purpose, the number of the buyer's licence or certificate;
- (b) if the buyer intends to sell the ammonium nitrate, proof that the buyer is included on the component sellers list; or
- (c) in all other cases,
 - (i) a piece of identification issued by the Government of Canada, or a provincial, municipal or foreign government, that bears a photograph of the buyer,
 - (ii) two pieces of identification, each of which sets out the buyer's name, at least one of which is issued by the Government of Canada or a provincial, municipal or foreign government and at least one of which sets out the buyer's address,

- (iii) proof of the buyer's provincial pesticide licence,
- (iv) proof of the buyer's Canadian Wheat Board identification number,
- (v) proof of the buyer's Producteur Agricole number,
- (vi) proof of the buyer's Ontario Federation of Agriculture number, or
- (vii) proof of the buyer's registration under the *Controlled Goods Regulations*.

Intermediary

492. Ammonium nitrate may be sold to a buyer who is unable to establish their identity in accordance with section 491 if another component seller confirms in writing that they have been provided with the identification required for that buyer. The confirmation must set out the type of document provided to the other component seller and its reference number.

Record of sale

493. (1) A record of each sale of ammonium nitrate must be kept for two years after the date of the sale. The record must include the following information and documents:

- (a) the buyer's name, address and telephone number;
- (b) the date of the sale;
- (c) the bill of lading, sales receipt or similar document;
- (d) the type of document provided under section 496 and the document's reference number;
- (e) the trade name and quantity of the ammonium nitrate sold;
- (f) an indication of whether the ammonium nitrate is sold in bulk or in packages;
- (g) if the ammonium nitrate is sold in packages, the weight or volume of each package;
- (h) a description of how the ammonium nitrate will be used;
- (i) if the ammonium nitrate is shipped, the driver's licence number, the estimated and actual date of delivery, the address to which it is delivered and the quantity received; and
- (j) if delivery is made at the time of purchase, a receipt signed by the buyer including the information required under paragraphs (a) and (b) and (d) to (h).

Annual sales contract

(2) In the case of a component seller who has entered into an annual sales contract with a buyer, the information required under paragraphs (1)(d) and (h) need only be recorded once in each calendar year.

Access

(3) The record of sale must be kept locked up when it is not being used and must be made available only to a person who needs access to it in the course of their employment.

Exemption — records

(4) This section does not apply if the quantity of ammonium nitrate sold is 1 kg or less.

Note: This exception for small sales of ammonium nitrate applies only to the requirement to keep a record of sale.

Shipping — vehicle

494. (1) When more than 1 kg of ammonium nitrate is shipped by vehicle,

- (a) each access point on the portion of the vehicle containing the ammonium nitrate must be locked or sealed with a security cable immediately after the shipment is loaded; and
- (b) the driver of the vehicle must be provided with a written notice stating that
 - (i) the ammonium nitrate is to be attended unless the vehicle is either parked in a secure location or the vehicle and load are locked,
 - (ii) the driver is to inspect all locks and, if seals are present, inspect all seals at each stop and at the final destination, and
 - (iii) the driver must immediately report to the component seller any signs of theft,

attempted theft or tampering and any loss that is not attributable to normal operations.

Shipping – train

(2) When ammonium nitrate is shipped by rail,

(a) each access point on the rail car containing the ammonium nitrate must be locked or sealed with a security cable immediately after the shipment is loaded; and

(b) a means must be in place to track the shipment on a daily basis until delivery occurs and to investigate if the shipment does not arrive at its destination.

Notice

495. When ammonium nitrate is sold to a buyer who is not a component seller or product seller, the buyer must be provided with a written notice which states that

(a) security measures are to be taken to prevent the theft of ammonium nitrate;

(b) any sign of theft, attempted theft or tampering and any loss that is not attributable to normal operations must be immediately reported to the local police force; and

(c) the resale of ammonium nitrate is prohibited.

Responsibility of employee

496. An employee of a component seller must refuse to sell ammonium nitrate if

(a) the quantity requested is not proportional to the buyer's needs; or

(b) the employee has reasonable grounds to suspect that the ammonium nitrate will be used for a criminal purpose.

SUSPENSION AND REMOVAL

Suspension

497. (1) If a component seller or product seller fails to comply with the *Explosives Act* or these Regulations, the Chief Inspector of Explosives may suspend them from the component sellers list or product sellers list. The suspension continues until the component seller or product seller remedies the failure to comply.

Removal

(2) If a component seller or product seller fails to comply with the *Explosives Act* or these Regulations on more than one occasion, the Chief Inspector may remove them from the component sellers list or product sellers list.

Right to be heard

498. (1) Before suspending or removing a component seller or product seller from the component sellers list or product sellers list, the Chief Inspector of Explosives must provide them with written notice of the reasons for the suspension or removal and its effective date, and give them an opportunity to provide reasons why the listing should not be suspended or cancelled.

Exception

(2) However, a component seller or a product seller is suspended automatically and without notice if they fail to provide the annual inventory required under section 488.

Review

499. (1) Within 15 days after the date of suspension or removal from the component sellers list or product sellers list, a component seller or product seller may send the Minister of Natural Resources a written request for review of the decision of the Chief Inspector of Explosives to suspend or remove.

Minister's decision

(2) The Minister must confirm, revoke or amend the decision under review.

AMENDMENTS TO THESE REGULATIONS

500. The definition "activity involving an explosive" in subsection 6(3) of these Regulations is replaced by the following:

"activity involving an explosive"
« *activité visant un explosif* »

"activity involving an explosive" means acquiring, possessing, selling, offering for sale, storing, manufacturing, transporting, transporting in transit, importing, exporting or delivering an explosive or using fireworks.

501. The definitions "annual permit" and "single use permit" in subsection 44(1) of the

Regulations are replaced by the following:

“annual permit”
« *permis annuel* »

“annual permit” means a permit for multiple importations, exportations or transportations in transit during a one year period.

“single use permit”
« *permis à utilisation unique* »

“single use permit” means a permit for a single importation, exportation or transportation in transit.

502. Section 45 of the Regulations before the table is replaced by the following:

Import, export or transport in transit

45. A person may import, export or transport in transit an explosive set out in the table to this section without a permit if the following conditions are met:

(a) the explosive is imported, exported or transported in transit for personal use and not for commercial purposes;

(b) the explosive enters or leaves Canada with the person importing or exporting it or, if the explosive is transported in transit, it remains with the person transporting it at all times; and

(c) in the case of small arms cartridges, the cartridges do not include a tracer, incendiary or similar military component or device (for example, an armour-piercing projectile); and

(d) the quantity of the explosive being imported, exported or transported in transit is not more than the quantity set out in the table.

503. Section 174 of the Regulations is replaced by the following:

Overview

174. This Part sets out the screening requirements for people who have access to high hazard explosives. Division 1 sets out the requirements that must be met by applicants for licences, permits or certificates if they intend to manufacture, store, import or export high hazard explosives or transport them in transit. Division 2 sets out the duties of licence, permit and certificate holders to control access to high hazard explosives. It also sets out the requirements for obtaining letters of approval.

504. (1) The definition “licence” in subsection 175(1) of these Regulations is replaced by the following:

“licence”
« *licence* »

“licence” means a licence that authorizes the manufacture or storage of a high hazard explosive.

(2) Subsection 175(1) of the Regulations is amended by adding the following in alphabetical order:

“certificate”
« *certificat* »

“certificate” means a certificate that authorizes the manufacture or storage of a high hazard explosive.

“permit”
« *permis* »

“permit” means a permit that authorizes the importation, exportation or in transit transportation of a high hazard explosive.

505. Subsection 179(1) of the Regulations is replaced by the following:

Access prevented

179. (1) A holder of a licence, permit or certificate must ensure that a person who does not have an approval letter or an equivalent document does not have access to a high hazard explosive that is being manufactured, stored, sold, imported, exported or transported by the holder.

506. Section 180 of the Regulations is replaced by the following:

Visitors

180. A holder of a licence or certificate must ensure that a visitor to their factory, magazine site, satellite site or workplace who does not have an approval letter and who could have access to a high hazard explosive is at all times under the direct supervision of a person who has an approval letter or an equivalent document.

507. Subsection 345(2) of the Regulations is replaced by the following:

Aerial consumer fireworks

(2) Aerial fireworks may be displayed for sale only if they are kept behind a sales counter or locked up (for example, in a cabinet) and are displayed in accordance with section 347.

508. Part 8 of the Regulations is amended by replacing “licence” with “licence, permit or certificate”, except in sections 174 and 175, subsection 179(1) and section 180.

509. Subsections 177(2) and (4) of the French version of the Regulations are amended by replacing “la licence” with “la licence, le permis ou le certificat”.

REPEAL

510. The following Regulations are repealed:

(a) the *Ammonium Nitrate and Fuel Order* ([see footnote 10](#)) and

(b) the *Explosives Regulations* ([see footnote 11](#));

(c) the *Restricted Component Regulations* ([see footnote 12](#)).

COMING INTO FORCE

December 1, 2012

511. (1) Subject to subsections (2) and (3), these Regulations come into force on December 1, 2012.

December 1, 2013

(2) The following provisions of these Regulations come into force on December 1, 2013:

(a) paragraphs 25(i) and (j);

(b) the definition “secure storage site” in subsection 44(1);

(c) sections 48 to 51;

(d) sections 174 to 185;

(e) sections 500 to 502; and

(f) section 509.

December 1, 2014

(3) Sections 503 to 508 come into force on December 1, 2014.

[11-1-o]

[Footnote 1](#)

Cost-Benefit Analysis of Changes to the *Explosives Regulations*.

[Footnote 2](#)

Refer to Annex 1 — Summary Accounting Statement.

[Footnote 3](#)

Cost-Benefit Analysis of Changes to the *Explosives Regulations*, Benefits.

[Footnote 4](#)

Refers to Most Important Changes in the *Explosives Regulations* and “Stakeholder Feedback/Impact” (provided upon request).

[Footnote 5](#)

PSTP: Defence Research and Development Canada initiated the Public Security Technical Program (PSTP), which aims to develop a coordinated program to enhance collaboration across government and to deliver science and technology solutions across many dimensions of public security. The PSTP embraces a two-pronged approach, with a Canadian program that includes many federal government departments and agencies, and a Canada/United States program, which engages the U.S. Department of Homeland Security.

[Footnote 6](#)

Technicians outside of Canada are certified, competent pyrotechnicians who do not reside in Canada and have not taken the Canadian Pyrotechnics Special Effects Safety and Legal Awareness course.

[Footnote 7](#)

Cost-Benefit Analysis of Changes to the *Explosives Regulations* is available upon request to the Explosives Safety and Security Branch, Natural Resources Canada.

[Footnote 8](#)

As present values are calculated for 2011, the formula used is $AV = [PV \cdot \rho] / [1 + \rho - (1 + \rho)^{-n+1}]$.

[Footnote 9](#)

Rounded to nearest thousand dollars.

[Footnote 10](#)

C.R.C., c. 598

[Footnote 11](#)

C.R.C., c. 599

[Footnote 12](#)

SOR/2008-47

[Footnote a](#)

S.C. 2004, c. 15, s. 37

[Footnote b](#)

R.S., c. E-17

[Footnote 1*](#)

Terms preceded by an asterisk are defined in section 6.

[Footnote 2*](#)

Terms preceded by an asterisk are defined in section 6.

[Footnote 3*](#)

Terms preceded by an asterisk are defined in section 6.

[Footnote 4*](#)

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[Footnote 14*](#)

Terms preceded by an asterisk are defined in section 6.

[Footnote 15*](#)

Terms preceded by an asterisk are defined in section 6.

NOTICE:

The format of the electronic version of this issue of the *Canada Gazette* was modified in order to be compatible with extensible hypertext markup language (XHTML 1.0 Strict).

Date Modified: 2012-03-16