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EXPLOSIVES ACT

Explosives Regulations, 2013

P.C. 2013-1283 November 26, 2013

His Excellency the Governor General in Council, on the recommendation of the Minister of Natural Resources, pursuant to section 5 (see footnote a) of the *Explosives Act* (see footnote b), makes the annexed *Explosives Regulations, 2013*.

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EXPLOSIVES REGULATIONS, 2013

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 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 explosive. The final Part applies to restricted components.

General requirements, prohibitions and safety precautions

(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.

Authorization and classification of explosives

(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.

Importing and exporting explosives and transporting explosives in transit

(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.

Manufacturing explosives

(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.

Magazine licences and storage in licensed magazine

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

Provisions of general application

(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.

Screening

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

Transporting explosives

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

Particular types of explosives

(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*) (see footnote 4*) 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.

Types of pyrotechnics

(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 5*) 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.

Fees

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

Restricted components

(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 *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 6*) 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 7*) 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, unless these Regulations provide otherwise, includes monitoring by a person using electronic means.

"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 361.

"small arms cartridge"
« *cartouches pour armes de petit calibre* »

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

"special effect pyrotechnics"
« *pièces pyrotechnique à effets spéciaux* »

"special effect pyrotechnics" has the same meaning as in section 361.

"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 "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 173(3) or (4) or 183(3) or section 426 or subsection 498(1), 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 8*) 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 9*) 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. (1) 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.

Change of quantity

(2) However, after removing an explosive from its packaging, a person may alter the printing or label on the packaging to reflect the remaining quantity.

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 361;

(*g*) the sending of a sample of an explosive to the Chief Inspector of Explosives, at his or her request, for authorization testing;

(*h*) the importation of an explosive, if the conditions set out in section 45 are met;

(*i*) the exportation of an explosive, if the conditions set out in section 45 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 safety 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 period after the manufacture of the explosive during which it will remain suitable for use in the circumstances described in paragraph (*c*).

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 safety standards with which the packaging or container must comply 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*) or (*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*) or (*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 explosive that is to be transported in transit.

"single use permit"
« *permis à utilisation unique* »

"single use permit" means a permit for a single importation.

Explosive quantity

(2) A reference to the mass of an explosive in this Part is a reference to its net quantity (the mass of the explosive excluding the mass of any packaging or container and, in the case of an explosive article, also excluding any component that is not an explosive substance).

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

Item	Column 1 Explosive	Column 2 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 applicant's name, address, telephone number, fax number and email address;

(*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;

(*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 10*) 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 displayed on each explosive to be imported:

(*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.

Manner of displaying information

(3) A holder of an import permit must ensure that the information

(*a*) is legibly printed on the explosive;

(*b*) is legibly printed on a label affixed to the explosive, if it is not possible to comply with paragraph (*a*);

(*c*) is contained in a barcode or matrix code that is printed on the explosive, or on a label affixed to

it, and can be read by a device that is available to the general public (for example, a smartphone), if it is not possible to comply with paragraph (*a*) and (*b*); or

(*d*) is legibly printed on the packaging containing the explosive or on a label affixed to the packaging, if it is not possible to comply with paragraphs (*a*) to (*c*).

Exception

(4) 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 are printed in a language understood by the person who will use the fireworks.

Information on packaging

(5) 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", "Pyrotechnics/Pièces pyrotechniques" or "Rocket Motors/Moteurs de fusée", 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

(6) 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

(7) 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

(8) 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

(9) 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 applicant's name, address, telephone number, fax number and email address;

(*b*) if the applicant has a freight forwarder, their name, address, telephone number, fax number and email address and the name of a contact person;

(*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 exit 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", "Pyrotechnics/Pièces pyrotechniques" or "Rocket Motors/Moteurs de fusée", 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;

(*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 exit 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 applicant's name, address, telephone number, fax number and email address;

(*b*) if the applicant has a freight forwarder, their address, telephone number, fax number and email address and the name of a contact person;

(*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 and port of exit 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 11*) 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 port of entry and port of exit 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 or 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 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.

Explosive quantity

54. A reference to the mass of an explosive in this Part is a reference to its net quantity (the mass of the explosive excluding the mass of any packaging or container and, in the case of an explosive article, also excluding any component that is not an explosive substance).

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 fabrique 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 at which explosives that are intended for use at a client site are manufactured and temporarily stored.

"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 fabrique* »

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

"mobile process unit"
« *unité de fabrication mobile* »

"mobile process unit" means a vehicle or portable machine that is used at a factory, satellite site or 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 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 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 12*) 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*) a description of all site and building security features (for example, fencing, barriers and warning signs);

(*d*) a description of the principal manufacturing equipment to be used and its safety features;

(*e*) a description of each mobile process unit to be used;

(*f*) a description of any other mobile equipment, including transport units, to be used and how the equipment will be powered; and

(*g*) a description of any safety features at the site to be put in place to minimize the likelihood of harm to people or property (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 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 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 includes 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 (for example, 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 that is shown on the site plan and every vulnerable place that is shown on the 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 their transport 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 13*) 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 of its operation began and ended,

(ii) a short description of the explosives, and the properties of the explosives, manufactured during the period,

(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 of its operation 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, until the storm passes, must not be permitted to return.

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 — 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.

Labelling

Responsibilities of licence holder

73. A holder of a division 1 factory licence must ensure that the labelling 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 on explosives

74. (1) The following information must be displayed on each explosive that is manufactured at the factory or satellite site:

(*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.

Manner of displaying information

(2) The information must be

(*a*) legibly printed on the explosive;

(*b*) legibly printed on a label affixed to the explosive, if it is not possible to comply with paragraph (*a*);

(*c*) contained in a barcode or matrix code that is printed on the explosive, or on a label affixed to it, and can be read by a device that is available to the general public (for example, a smartphone), if it

is not possible to comply with paragraphs (*a*) and (*b*); or

(*d*) legibly printed on the packaging containing the explosive or on a label affixed to the packaging, if it is not possible to comply with paragraphs (*a*) to (*c*).

Information on packaging

(3) The following information must be legibly printed on the packaging, or on a label affixed to the packaging, of the explosive:

(*a*) the words "Explosives/Explosifs", "Fireworks/Pièces pyrotechniques", "Pyrotechnics/Pièces pyrotechniques" or "Rocket Motors/Moteurs de fusée", 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.

Information on industrial explosives

(4) The manufacturer's division 1 factory licence number must be printed in a legible and permanent manner on the outer packaging of every 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 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 satellite 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 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 factory or satellite 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) Before any temporary or permanent technological or organizational change to manufacturing operations is implemented, an evaluation of the risk that the change could increase the likelihood of an ignition or a security incident must be carried out and a management of change procedure must be put in place for each change that could increase the likelihood of an ignition or a security incident.

Approval of change

(2) Each change must be 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 factory and satellite 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 factory or satellite site and minimizes the likelihood of harm to people and property; and

(*b*) whether these Regulations and the terms and conditions of the division 1 factory 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 unloaded if the unit will not be used for three consecutive days. However, the fuel oil tank and prill hopper do not have to be unloaded.

Unit unused

95. (1) A mobile process unit must be cleaned 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 explosivescontaminated 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 of its operation 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 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 towed to the factory for repair.

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 at the surface at a client site, all manufacturing operations in the unit must be shut down and all people in the vicinity of the unit must be immediately moved to a safe place. Until the storm passes, the operations must remain shut down and the people must not be permitted to return to the vicinity of the unit.

Packaging at satellite or client site

100. (1) Blasting explosives in bulk 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 cleaning or decontamination;

(*b*) are to be used as samples for laboratory analysis;

(*c*) have been used to calibrate the process equipment;

(*d*) are to be used to charge boreholes that the unit cannot access during its operations at a client site; or

(*e*) are to be used to charge boreholes that present unforeseen conditions rendering their use unsafe if they are left unpackaged.

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 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. A visitor must be at least 17 years old.

Visitors

(2) While at a factory or satellite site, a visitor must remain 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 a factory or satellite 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, jewelry 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 a factory or 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 performancediminishing 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.

Hazards

(2) 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 fabrique 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 those 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 plan

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

(*a*) the location of the workplace within any building or structure;

(*b*) the topography of any outdoor area included in 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 explosivescontaminated 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 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. Until the storm passes, the operations must remain shut down and the people must not be permitted to return.

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.

Labelling

Responsibilities of holder

116. A holder of a division 2 factory licence or a manufacturing certificate must ensure that the labelling 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 People 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 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 People 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* 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 blasting explosives in bulk 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 or retailers, whether or not the explosives are sold 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 explosives 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 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 includes

(*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 until the storm passes must not be permitted to return.

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 impactresistant.

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" or "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 returned to the person from whom they were bought; or

(*c*) are delivered to a holder of a factory licence that authorizes storage of those explosives.

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 decomissioning 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 of 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 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.

"shipper"
« *expéditeur* »

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

Explosive quantity

188. A reference to the mass of an explosive in this Part is a reference to its net quantity (the mass of the explosive excluding the mass of any packaging or container and, in the case of an explosive article, also excluding any component that is not an explosive substance), except in section 190 where it is a reference to its gross quantity (the mass of the explosive 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 is not subject to the requirements of sections 191 to 203 if they transport

(*a*) no more than 12 kg of an explosive with the number UN 0027, BLACK POWDER (GUNPOWDER) or UN 0028, BLACK POWDER (GUNPOWDER) COMPRESSED;

(*b*) no more than 150 kg of an explosive with the number

(i) UN 0161, POWDER, SMOKELESS,
(ii) UN 0186, ROCKET MOTORS,
(iii) UN 0191, SIGNAL DEVICES, HAND,
(iv) UN 0197, SIGNALS, SMOKE,
(v) UN 0276, CARTRIDGES, POWER DEVICE,
(vi) UN 0312, CARTRIDGES, SIGNAL,
(vii) UN 0336, FIREWORKS,
(viii) UN 0351, ARTICLES, EXPLOSIVE, N.O.S.,
(ix) UN 0403, FLARES, AERIAL,
(x) UN 0431, ARTICLES, PYROTECHNIC,
(xi) UN 0453, ROCKETS, LINE THROWING,
(xii) UN 0499, PROPELLANT, SOLID,

(xiii) UN 0501, PROPELLANT, SOLID,

(xiv) UN 0503, AIR BAG INFLATORS, AIR BAG MODULES, SEAT-BELT PRETENSIONERS,

(xv) UN 0505, SIGNALS, DISTRESS,

(xvi) UN 0509, POWDER, SMOKELESS; or

(*c*) any quantity of an explosive with the number

(i) UN 0012, CARTRIDGES, SMALL ARMS, if the calibre is 12.7 mm (50 calibre) or smaller,

(ii) UN 0014, CARTRIDGES, SMALL ARMS, BLANK, if the calibre is 12.7 mm (50 calibre) or smaller,

(iii) UN 0044, PRIMERS, CAP,

(iv) UN 0055, CASES, CARTRIDGE, EMPTY, WITH PRIMER if the calibre is 12.7 mm (50 calibre) or smaller,

(v) UN 0105, FUSE, SAFETY,

(vi) UN 0131, LIGHTERS, FUSE,

(vii) UN 0173, RELEASE DEVICES, EXPLOSIVE,

(viii) UN 0323, CARTRIDGES, POWER DEVICE;

(ix) UN 0337, FIREWORKS,

(x) UN 0373, SIGNAL DEVICES, HAND,

(xi) UN 0404, FLARES, AERIAL,

(xii) UN 0405, CARTRIDGES, SIGNAL,

(xiii) UN 0432, ARTICLES, PYROTECHNIC,

(xiv) UN 0454, IGNITERS,

(xv) UN 0506, SIGNALS, DISTRESS, or

(xvi) UN 0507, SIGNALS, SMOKE.

Requirements

(2) However, the carrier and driver must ensure that the explosives are 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

(*a*) is either an intermodal container or is fully enclosed and fire resistant; and

(*b*) 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 minimizing 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 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 could come into contact with the explosives or their packaging during transport so as to increase the likelihood of an ignition, 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 when the vehicle is transporting explosives on a public highway are also displayed when the vehicle contains explosives and is not on a public highway.

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.

Sound mechanical condition

193. (1) The carrier must ensure that the vehicle to be used to transport explosives is in sound mechanical condition and capable of safely transporting explosives.

Combustible material

(2) 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

(3) 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

(4) 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, if possible, avoid routes that pass through densely populated areas.

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;

(*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; or

(*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 a specific purpose set out in their authorization;

(*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 specific purpose for which the explosives were removed has been carried out or abandoned, 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, any 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 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, if applicable, the name of the 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 explosives in bulk.

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 the 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 explosives in bulk.

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 explosives in bulk.

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, including a dwelling, if they are

(*a*) inside the sales establishment, whether or not 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.

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*) nothing other than 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*) nothing other than 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.

Explosive quantity

240. A reference to the mass of a special purpose explosive in this Part is a reference to its 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 lowhazard 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 requirements — storage unit

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*) nothing other than 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*) nothing other than 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 requirements — storage unit

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*) nothing other than 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 commercially manufactured small arms cartridges (type C.1). It also sets out rules for storing small arms cartridges that are manufactured under Division 2. 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 19.1 mm (.75 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, including a dwelling, if they are

(*a*) inside the sales establishment, whether or not 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 cartouches

269. A reference in this Part to the mass of a small arms cartridge, propellant powder or a black powder cartouche is a reference to its net quantity (the mass of the explosive 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.

Note: A licence that authorizes the storage of small arms cartridges may also authorize the storage of propellant powder, percussion caps and black powder cartouches.

"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.

Note: In accordance with section 269, the reference to 225 kg of small arms cartridges is a reference to their net quantity (the mass of the explosive excluding the mass of any packaging, container, shell casing or projectile).

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. People not authorized by the retailer must not be given unlimited access to the cartridges.

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*) nothing other than 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, including any small arms cartridges manufactured by the user under Division 2, in a dwelling or a storage unit and ensure that the requirements of sections 280 and 281 are met.

Maximum quantity

280. No more than 225 kg of small arms cartridges may be stored at any one time.

Note: In accordance with section 269, the reference to 225 kg of small arms cartridges is a reference to their net quantity (the mass of the explosive excluding the mass of any packaging, container, shell casing or projectile).

Storage requirements — dwelling

281. (1) When small arms cartridges are stored in a dwelling, they must be stored away from flammable substances and sources of ignition. People not authorized by the user must not be given unlimited access to the cartridges.

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*) nothing other than 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. (1) 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 explosive, whether propellant powder, percussion caps or black powder cartouches, that are to be sold, acquired or manufactured.

Note: A licence that authorizes the storage of propellant powder, percussion caps or black powder cartouches may also authorize the storage of small arms cartridges.

"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.

propellant powder

(2) A reference in this Division to a mass of propellant powder does not include propellant powder that is in a small arms cartridge.

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.

Place of storage

287. (1) Propellant powder and percussion caps that are not displayed for sale must be stored in a dwelling or a storage unit.

Original packaging

(2) Percussion caps must be stored in their original packaging.

Note: These Regulations do not limit the number of percussion caps that may be stored in their original packaging in a dwelling or a storage unit.

Detached dwellings

(3) The maximum quantity of propellant powder that may be stored at any one time in a detached dwelling, or in a storage unit attached to a detached dwelling, is 25 kg of which no more than 10 kg may be black powder.

Other dwellings — smokeless powder

(4) The maximum quantity of smokeless powder that may be stored at any one time in a dwelling other than a detached dwelling, or in a storage unit attached to a dwelling other than a detached dwelling, is

(*a*) 20 kg, if all the smokeless powder is in containers that hold no more than 1 kg; or

(*b*) 5 kg, if any of the smokeless powder is in a container that holds more than 1 kg.

Other dwellings — black powder

(5) The maximum quantity of black powder that may be stored at any one time in a dwelling other than a detached dwelling, or in a storage unit attached to a dwelling other than a detached dwelling, 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

(6) The maximum quantity of propellant powder that may be stored at any one time in storage units that are not attached to a dwelling, whether in a single unit or in several, is 75 kg.

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. People not authorized by the retailer must not be given unlimited access to the propellant powder or percussion caps.

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*) nothing other than small arms cartridges may be stored with the 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 they hold a licence that 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. If such a retailer stops selling propellant powder, they must send the Chief Inspector a written notice to that effect as soon as the circumstances permit.

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 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. A user who does not hold a licence must store their propellant powder, percussion caps and black powder cartouches in a dwelling or a storage unit and ensure that the requirements of sections 299 to 304 are met.

Note: Subsection 279(2) provides that users must store small arms cartridges in accordance with sections 280 and 281.

Percussion caps

299. (1) Percussion caps must be stored in their original packaging.

Note: These Regulations do not limit the number of percussion caps that may be stored in their original packaging in a dwelling or a storage unit.

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 375 and any quantity that they are storing under section 389.

Detached dwellings

301. The maximum quantity of propellant powder that may be stored at any one time in a detached dwelling, or in a storage unit attached to a detached dwelling, is 25 kg of which no more than 10 kg may be black powder.

Other dwellings — smokeless powder

302. (1) The maximum quantity of smokeless powder that may be stored at any one time in a dwelling other than a detached dwelling, or in a storage unit attached to a dwelling other than a detached dwelling, is

(*a*) 20 kg, if all the smokeless powder is in containers that hold no more than 1 kg; or

(*b*) 5 kg, if any of the smokeless 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 other than a detached dwelling, or in a storage unit attached to a dwelling other than a detached dwelling, 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 storage units that are not attached to a dwelling, whether in a single unit or in several, is 75 kg.

Storage requirements — dwelling

304. (1) When propellant powder, percussion caps or black power cartouches are stored in a dwelling, they must be stored away from flammable substances and sources of ignition. People not authorized by the user must not be given unlimited access to the propellant powder, percussion caps or black powder cartouches.

Storage requirements — storage unit

(2) When propellant powder, percussion caps 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*) nothing other than small arms cartridges may be stored with the propellant powder, percussion caps or black powder cartouches;

(*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 an incendiary or similar military component or device; 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 propellent 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 propellent 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, including a dwelling, if they are

(*a*) inside the sales establishment, whether or not 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 motors and kits

308. A reference to the mass of a rocket motor or reloading kit in this Part is a reference to its gross mass (the mass of the motor or kit plus the mass of any packaging or container).

DIVISION 1

MODEL ROCKET MOTORS

Motor rockets, kits and igniters

309. In this Division, unless otherwise indicated, 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 , 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*) nothing other than rocket motors, reloading kits and igniters may be stored in the storage unit;

(*g*) if the rocket motors, reloading kits and igniters are not in consumer packs, the motors and 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.

Rules for Users

Acquisition

318. (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 80 newton-seconds and igniters for those motors without a licence. A user who acquires such motors or igniters must comply with this Division.

Storage — licensed user

319. (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 320 and 321 are met.

Maximum quantity

320. (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. If high-power rocket motors or reloading kits for high-power rocket motors are stored with rocket motors or reloading kits, the combined quantity must not exceed 200 kg. If igniters for high-power rocket motors are stored with igniters, 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 80 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

321. (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 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 made from a non-sparking material (for example, wood or painted metal);

(*f*) nothing other than high-power rocket motors and reloading kits and igniters for high-power rocket motors may be stored with the rocket motors, reloading kits and igniters;

(*g*) if the rocket motors, reloading kits and igniters, and any high-power rocket motors or reloading kits and igniters for high-power rocket motors, are not in consumer packs, the motors and 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

322. In this Division, unless otherwise indicated, 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

323. A seller may acquire, store and sell rocket motors, reloading kits and igniters if they hold a licence. A seller who acquires rocket motors, reloading kits or igniters must comply with this Division.

Storage

324. A seller must store their rocket motors, reloading kits and igniters in the magazine specified in their licence.

No display for sale

325. A seller must not display rocket motors or reloading kits for sale.

Sale

Maximum quantity — licensed buyer

326. (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

327. A retailer may sell rocket motors, reloading kits or igniters only to a user.

Record of sale

328. A seller must keep a record of every sale of a 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

329. 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

330. (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 331 to 333 are met.

Maximum quantity — dwelling

331. (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. If model rocket motors or reloading kits for model rocket motors are stored with rocket motors or reloading kits, the combined quantity must not exceed 10 kg. If igniters for model rocket motors are stored with igniters, the combined quantity must not exceed 40.

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. If model rocket motors or reloading kits for model rocket motors are stored with rocket motors or reloading kits, the combined quantity must not exceed 200 kg. If igniters for model rocket motors are stored with igniters, the combined quantity must not exceed 200.

Rocket with motor installed

(3) A high-power rocket in which a motor has been installed must not be stored.

Storage requirements — dwelling

332. (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 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 made from a non-sparking material (for example, wood or painted metal);

(*f*) nothing other than model rocket motors and reloading kits and igniters for model rocket motors may be stored with the rocket motors, reloading kits and igniters;

(*g*) if the rocket motors, reloading kits and igniters, and any model rocket motors or reloading kits or igniters for model rocket motors, are not in consumer packs, the motors and 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

333. Rocket motors, reloading kits and igniters must be attended when they are not in storage.

PART 16

CONSUMER FIREWORKS

Overview

334. 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

335. (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 or not 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.

Consumer fireworks quantity

336. 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

337. 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

338. (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

339. A seller must not sell consumer fireworks from a dwelling.

Unobstructed exits

340. 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

341. (1) 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).

Requirements

(2) Whether the establishment is permanent or temporary, the retailer must ensure that

(*a*) the sales establishment is protected from unauthorized access when it is not open for business; and

(*b*) all places where consumer fireworks are stored, whether inside or outside the establishment, must be 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) dispensing facilities for compressed natural gas.

Temporary sales establishment

(3) If the sales establishment is temporary, the retailer must also ensure that

(*a*) all places where consumer fireworks are stored, whether inside or outside the establishment, are 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;

(*b*) the fireworks are attended at all times; and

(*c*) if the sales establishment is a tent, the tent is made from flame-retardant material.

Storage

Storage — licence holder

342. (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 343 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 343 to 349 are met.

Handling

343. Consumer fireworks may be handled by a buyer only after they have been sold, unless they are in consumer packs that meet the requirements of section 345 or in packaging or containers that comply with the safety standards for means of containment under the *Transportation of Dangerous Goods Act, 1992*.

Non-aerial fireworks

344. (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 345, or in packaging or containers that comply with the safety standards for means of containment under the *Transportation of Dangerous Goods Act, 1992*, and are displayed in accordance with section 346.

Aerial consumer fireworks

(2) Aerial fireworks may be displayed for sale only if they are in consumer packs that meet the requirements of paragraphs 345(*a*) to (*c*), or in packaging or containers that comply with the safety standards for means of containment under the *Transportation of Dangerous Goods Act, 1992*, and are displayed in accordance with section 346.

Adequate consumer pack

345. 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

346. When consumer fireworks are displayed for sale, the following requirements must be met:

(*a*) non-aerial fireworks in consumer packs that meet the requirements of section 345 or in packaging or containers that comply with the safety standards for means of containment under the *Transportation of Dangerous Goods Act, 1992* must be separated into lots of 100 kg or less;

(*b*) aerial fireworks in packaging or containers that comply with the safety standards for means of containment under the *Transportation of Dangerous Goods Act, 1992* must be separated into lots of 100 kg or less;

(*c*) all other fireworks, whether aerial or nonaerial, must be separated into lots of 25 kg or less;

(*d*) each lot must be separated from the other lots by a fire break;

(*e*) the fireworks must be kept away from flammable substances and sources of ignition;

(*f*) the fireworks must not be exposed to heat or dampness that might cause them to deteriorate;

(*g*) the fireworks must be separated from the ceiling and from any fire prevention system by at least 0.6 m;

(*h*) only people authorized by the retailer may have access to the area behind a sales counter;

(*i*) smoking must be prohibited within 8 m of the fireworks; and

(*j*) the fireworks must be attended when the sales establishment is unlocked.

Exception

347. Sections 343 to 346 do not apply to sparklers and toy pistol caps.

Maximum quantity

348. (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 requirements — storage unit

349. 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*) nothing other than 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

350. (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

351. A retailer may sell only to users.

Copy of rules

352. (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 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.

Exception

(3) Subsection (2) does not apply to the sale of toy pistol caps.

Record of sale

353. 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 fireworks were purchased for re-sale or for use; and
(*f*) the date of the sale.

DIVISION 2

RULES FOR USERS

Acquisition and Storage

Acquisition

354. (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) A user who is less than 18 years old may acquire and use toy pistol caps.

Storage — licensed user

355. (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 356 and 357 are met.

Maximum quantity — dwelling

356. (1) The maximum quantity of consumer fireworks that may be stored at any one time in a dwelling is 10 kg.

Maximum quantity — storage unit

(2) The maximum quantity of consumer fireworks that may be stored at any one time in storage units, whether in a single unit or in several, is 1 000 kg.

Storage requirements — dwelling

357. (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*) nothing other than 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

358. (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

359. (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 if the person ensures that the user is supervised by a person who is at least 18 years old.

Toy pistol caps

(3) The supervision requirement in subsections (1) and (2) does not apply in respect of toy pistol caps.

TABLE

(*subsection 352(2)*)

	USING CONSUMER FIREWORKS	**UTILISATION DE PIÈCES PYROTECHNIQUES À L'USAGE DES CONSOMMATEURS**
	Part 16 of the Explosives Regulations provides additional safety rules for consumer fireworks.	La partie 16 du Règlement sur les explosifs prévoit des règles additionnelles sur la sécurité
	PEOPLE UNDER 18 YEARS OLD who use fireworks must be supervised by an adult.	LES PERSONNES DE MOINS DE 18 ANS qui utilisent des pièces pyrotechniques doivent le faire sous la surpervision d'un adulte.
	CHOOSE a wide, clear site away from all obstacles. Refer to the safety instructions on the fireworks label for minimum distances from spectators.	CHOISIR un emplacement spacieux, bien dégagé et loin de tout obstacle. Consulter les consignes de sécurité sur l'étiquette des pièces pyrotechniques pour connaître les distances minimales entre les pièces et les spectateurs.
	DO NOT FIRE IN WINDY CONDITIONS.	NE PAS METTRE À FEU LES PIÈCES PYROTECHNIQUES PAR TEMPS VENTEUX.

READ all instructions on the fireworks. PLAN the order of firing before you begin.

LIRE toutes les instructions sur les pièces pyrotechniques. DÉTERMINER l'ordre de mise à feu avant de débuter.

USE A GOOD FIRING BASE such as a pail filled with earth or sand.

UTILISER UNE BONNE BASE DE MISE À FEU, tel un seau, remplie de terre ou de sable.

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.

ENFOUIR À MOITIÉ les pièces pyrotechniques qui ne possèdent pas de base dans un contenant (par exemple, un sceau, une boîte ou une brouette) renfermant du sable ou de la terre, sauf indication contraire sur l'étiquette. Les installer à un angle de 10 degrés et les pointer en direction opposée des spectateurs.

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.

NE JAMAIS tenir dans la main des pièces pyrotechniques qui sont allumées ou que vous tentez d'allumer, sauf si les instructions du fabricant indiquent qu'elles sont conçues pour être tenues dans la main.

LIGHT CAREFULLY: Always light the fuse at its tip.

ALLUMER PRUDEMMENT : toujours allumer la mèche a l'extrémité.

KEEP WATER NEARBY: Dispose of used fireworks (including debris) in a pail of water.

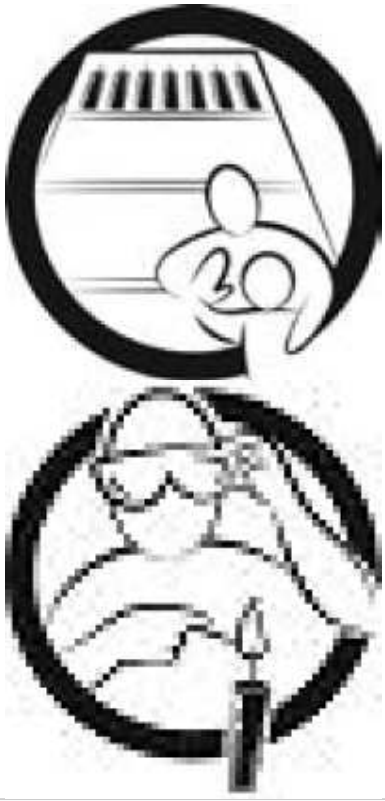
GARDER DE L'EAU À PORTÉE DE LA MAIN : mettre les pièces pyrotechniques utilisées et les débris dans un seau d'eau.

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.

ATTENDRE au moins 30 minutes avant de s'approcher d'une pièce pyrotechnique dont la mise à feu n'a pas fonctionné. NE JAMAIS tenter de RALLUMER une pièce pyrotechnique dont la mise à feu n'a pas fonctionné. NE JAMAIS tenter de réparer une pièce pyrotechnique qui est défectueuse.

KEEP fireworks in a cool, dry, ventilated place, out of the reach of children.

CONSERVER les pièces pyrotechniques dans un endroit frais, sec, aéré et hors de la portée des enfants.



IT IS RECOMMENDED that safety glasses be worn.

IL EST RECOMMANDÉ de porter des lunettes de sécurité.

PART 17

SPECIAL EFFECT PYROTECHNICS

Overview

360. 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

361. 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 at which special effect pyrotechnics are used and includes a film or television production in 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); and
(*e*) detonating cord (type E.1).

"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

362. A reference to the mass of a special effect pyrotechnic in this Part is a reference to its gross mass (the mass of the pyrotechnic plus the mass of any packing or container) except in the case of propellant powder, where it is a reference to its net quantity (the mass of the powder excluding the mass of any packaging or container and, in the case of an explosive article, also excluding any component that is not an explosive substance).

Prohibition on use

363. 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

364. 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

365. (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

366. A seller must not display special effect pyrotechnics for sale.

Transfer of powder

367. 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

368. (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 that are 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

369. (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

370. (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

371. 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

372. A user who holds neither a fireworks operator certificate nor a licence may acquire, store and use flash cotton, flash paper, flash string and sparkle string.

Storage

373. A user who acquires flash cotton, flash paper, flash string or sparkle string must store it in a dwelling or a storage unit and ensure that the requirements of sections 374, 382 and 383 are met.

Maximum quantity

374. 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

375. (1) A user who holds neither a fireworks operator certificate nor a licence may acquire, store and use percussion caps and propellant powder, if the caps and powder are acquired 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, have completed a course on this use certified by the Minister of Natural Resources or be under the supervision of a person who has that experience or has completed such a course.

Storage

376. A user must store their percussion caps and propellant powder in a dwelling or in a storage unit and ensure that the requirements of sections 377 to 380, 382 and 383 are met.

Percussion caps

377. (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 dwellings or site of use

378. The maximum quantity of propellant powder that may be stored at any one time in a detached dwelling, in a storage unit attached to a detached dwelling or in a storage unit at the site of use is 25 kg, of which no more than 10 kg may be black powder.

Other dwellings — smokeless powder

379. (1) The maximum quantity of smokeless powder that may be stored at any one time in a dwelling other than a detached dwelling, or in a storage unit attached to a dwelling other than a detached dwelling, is

(*a*) 20 kg, if all the smokeless powder is in containers that hold no more than 1 kg; or

(*b*) 5 kg, if any of the smokeless 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 other than a detached dwelling, or in a storage unit attached to a dwelling other than a detached dwelling, 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

380. The maximum quantity of propellant powder that may be stored at any one time in storage units that are not attached to a dwelling and are not at the site of use, whether in a single unit or in several, is 75 kg.

Pyrotechnics Used in Student Training

Student in training

381. 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

382. (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*) nothing other than 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 — site of use

383. (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. Nothing other than 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

384. (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

385. 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

386. 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

387. (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 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 cords.

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

388. (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 photograph 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 has not completed the display fireworks safety and legal awareness course or a certified equivalent on the date their application is submitted may, within six months after that date, submit to the Chief Inspector of Explosives proof of their successful completion.

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 photograph 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, propellent 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 photograph 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 fireworks operator certificate or a modification to or change of a certificate must pay the applicable fees set out in Part 19.

Acquisition and Storage

Acquisition

389. 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 cords. A user who acquires special effect pyrotechnics must comply with this subdivision.

Storage — licensed user

390. (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 393 to 397 are met.

Storage — unlicensed user

391. 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 392 to 397 are met.

Maximum quantity

392. No more than 500 electric matches and 25 kg of other special effect pyrotechnics may be stored at any one time.

Smokeless powder

393. (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

394. The maximum quantity of propellant powder that may be stored at any one time in a detached dwelling, or in a storage unit attached to a detached dwelling, is 25 kg of which no more than 10 kg may be black powder.

Other dwellings — smokeless powder

395. (1) The maximum quantity of smokeless powder that may be stored at any one time in a dwelling other than a detached dwelling, or in a storage unit that is attached to a dwelling other than a detached dwelling, is

(*a*) 20 kg, if all the smokeless powder is in containers that hold no more than 1 kg; or

(*b*) 5 kg, if any of the smokeless 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 other than a detached dwelling, or in a storage unit that is attached to a dwelling other than a detached dwelling, is

(*a*) 1 kg, if the black powder is in containers; and

(*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

396. 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, whether in a single unit or in several, is 75 kg.

Storage requirements — dwelling

397. (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*) nothing other than 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 — site of use

398. (1) Despite sections 393 to 397, 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 requirements — storage unit

(3) The storage unit must be made from, or lined with, a non-sparking material, marked with the words "Pyrotechnics/Pièces pyrotechniques" and kept locked, away from flammable substances and sources of ignition in an area that is not accessible to the public. Nothing other than special effects pyrotechnics may be stored in the storage unit.

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

399. A user who holds a fireworks operator certificate (pyrotechnician) or a fireworks operator certificate (visitor pyrotechnician) may use the following explosives:

(*a*) explosives that are classified as type F.3 and whose use by pyrotechnicians or visitor pyrotechnicians has been authorized by the Chief Inspector of Explosives under section 32 or 33 as well as all fireworks accessories;

(*b*) smokeless powder;

(*c*) explosives classified as type F.3, other than those referred to in paragraph (a), 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

400. 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 cords, 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

401. (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 cords, 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 — detonating cord

(2) A user who holds a fireworks operator certificate (special effects pyrotechnician — detonating cord) 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 cords.

Supervision of a Pyrotechnic Event

Pyrotechnician in charge

402. (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 403 to 408 are complied with.

Plan

403. (1) A pyrotechnic event plan must be prepared in writing 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

404. (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

405. 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

406. (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.

Extraneous electricity

(5) Precautions that minimize the likelihood of extraneous electricity igniting an electric match must be taken.

Device attached to body

(6) 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

(7) 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

(8) 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

(9) Special effect pyrotechnics that are damaged, leaking, damp or contaminated must not be used.

No firing

(10) 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

(11) 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

407. (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

408. 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

409. 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

410. 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

411. The following definitions apply in this Part.

"licence"
« *licence* »

"licence" means a licence that authorizes the storage of display fireworks and their 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

412. 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

413. 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"

414. 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

415. A seller may acquire, store and sell fireworks if they hold a licence. A seller who acquires fireworks must comply with this Division.

Storage

416. (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

417. A seller must not display fireworks for sale.

Sale

Authorized buyers

418. 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

419. (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 426, whichever is less.

Record of sale

420. 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 documents:

(*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

421. 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

422. (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

423. (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 photograph 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.

Late submission of proof

(2) An applicant who has not completed the display fireworks safety and legal awareness course or a certified equivalent on the date their application is submitted may, within six months after that date, submit to the Chief Inspector of Explosives proof of their successful completion.

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 photograph 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 photograph of the applicant taken within the previous 12 months;

(*d*) a copy of the applicant's resumé that 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 while 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, or change of, a certificate must pay the applicable fees set out in Part 19.

Acquisition and Storage

Acquisition

424. 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

425. (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

426. A user who is the display supervisor in charge of a display, whether or not they hold a licence, may store the 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 427 are met.

Storage requirements — storage unit

427. 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*) nothing other than 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

(*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

Display assistant and display visitor

428. 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

429. (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"

430. In this subdivision, "firing site" means the area within a display site where the fireworks are set up and fired.

Display supervisor in charge

431. (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 432 to 438 are met.

Plan

432. (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

433. The fireworks must be attended when they are not in a storage unit or a magazine.

Danger zone

434. (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

435. 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

436. (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.

Extraneous electricity

(6) Precautions must be taken that minimize the likelihood of extraneous electricity igniting an electric match.

Connecting to power supply

(7) 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

(8) Fireworks that are damaged, leaking, damp or contaminated must not be used.

No firing

(9) Fireworks must not be fired if a circumstance occurs that could increase the likelihood of harm to people or property.

Postponing or stopping display

(10) 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

437. (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

438. 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

439. 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

440. 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

441. 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

442. A seller must accept any unused or misfired firecrackers that are returned.

Subdivision b

Rules for Users

Firecracker Use Certificate

Certificate

443. To obtain a firecracker use certificate, a person must demonstrate to the Minister of Natural 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

444. 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

445. 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

446. (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 447 and 448 are met.

Maximum quantity

447. No more than five cases of firecrackers — not exceeding 16 000 firecrackers per case — may be stored at any one time.

Storage requirements — dwelling

448. (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*) nothing other than 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
(*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

Approval required

449. (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

450. This Part sets out the fees payable for obtaining authorizations, permits, licences and certificates.

Definitions

451. 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 (utilisateurzone)* »

"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

452. In this Part, "NEQ" means net explosive quantity (the mass of the explosive excluding the mass of any packaging or container).

Fees

453. (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 Authorization, Permit, Licence or Certificate	Column 2 Fees
1.	Authorization of an explosive: 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
	Permit to import explosives:	
4.	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 or military 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 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

PART 20

RESTRICTED COMPONENTS

Overview

454. 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

455. The following definitions apply in this Part.

"component seller"
« *vendeur de composants* »

"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 462(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 subsection 463(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

456. (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

457. (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

458. 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

459. 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

460. (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

461. (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

462. (1) If an applicant provides the information required by section 460, the Chief Inspector of Explosives must include their name on the component sellers list, assign them a number 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

463. (1) If an applicant provides the information required by section 461, the Chief Inspector of Explosives must include their name on the product sellers list, assign them a number 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

464. 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

465. Sections 466 to 476 apply to all restricted components except ammonium nitrate.

Responsibilities of component seller and product seller

466. Every component seller must ensure that the requirements of sections 467 to 476 are met at each location where they store or sell a restricted component. Every product seller must ensure that the requirements of sections 467 to 471 are met at each location where they store a restricted component.

Authorized location

467. 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 464.

Components to be locked up

468. (1) A restricted component must be locked up when it is not attended.

Sign

(2) A sign that warns against unauthorized access must be posted on the outside at each entrance to each location where a restricted component is stored.

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

469. 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

470. (1) A stock management system must be put in place to account for all restricted components that are under the control of the component seller or product seller.

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

471. 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

472. (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 476 must, within 24 hours after the refusal, be reported to the Chief Inspector of Explosives and to the local police force.

Identification

473. 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; and

(*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

474. A restricted component may be sold to a buyer who is unable to establish their identity in accordance with section 473 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

475. (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 473 and the document's reference number;
(*e*) the trade name and quantity of the component sold;
(*f*) an indication of whether the component was sold in bulk or in packages;
(*g*) if the component was 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 was 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

476. 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

477. Sections 478 to 495 apply to ammonium nitrate.

Responsibilities of component seller and product seller

478. Every component seller must ensure that the requirements of sections 479 to 495 are met at each location where they store or sell ammonium nitrate. Every product seller must ensure that the requirements of sections 479 to 488 are met at each location where they store ammonium nitrate.

Authorized location

479. 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 464.

Notice

480. The local police force must be informed in writing of all locations where ammonium nitrate is to be stored or sold.

Locked structures

481. (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

482. 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

483. (1) A sign that warns against unauthorized access must be posted on the outside at each entrance to each location where ammonium nitrate is stored.

Access

(2) Access to ammonium nitrate must be limited to people authorized by the component seller or product seller.

Employee list

484. A list of the employees who work at each location where ammonium nitrate is stored or sold must be kept at the location.

Verification

485. 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

486. (1) A stock management system must be put in place to account for all ammonium nitrate that is under the control of the component seller or product seller.

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

487. 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,

(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

488. 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

489. (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 495 must, within 24 hours after the refusal, be reported to the Chief Inspector of Explosives and to the local police force.

Identification

490. 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; and

(*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

491. Ammonium nitrate may be sold to a buyer who is unable to establish their identity in accordance with section 490 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

492. (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 490 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 was sold in bulk or in packages;

(*g*) if the ammonium nitrate was 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 was 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 was 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

493. (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

494. 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

495. 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

496. (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

497. (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 487.

Review

498. (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

499. 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.

500. 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.

501. 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.

502. 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.

503. (1) The definition "licence" in subsection 175(1) of the Regulations is replaced by the following:

"licence"
« *licence* »

"licence" means a licence that authorizes the 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.

504. 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.

505. 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.

506. Subsection 344(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, locked up (for example, in a cabinet) or in packaging or containers that comply with the safety standards for means of containment under the *Transportation of Dangerous Goods Act, 1992* and are displayed in accordance with section 346.

507. Part 8 of the Regulations is amended by replacing "licence" with "licence, permit or certificate", with any necessary modifications, except in sections 174 and 175, subsection 179(1) and section 180.

508. 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

509. The following Regulations are repealed:

(*a*) the *Explosives Regulations* ; and
(*b*) the *Restricted Component Regulations* .

COMING INTO FORCE

February 1, 2014

510. (1) Subject to subsections (2) and (3), these Regulations come into force on February 1, 2014.

February 1, 2015

(2) The following provisions come into force on February 1, 2015:

(*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; and
(*e*) sections 499 to 501 and 506.

February 1, 2016

(3) Sections 502 to 505, 507 and 508 come into force on February 1, 2016.

REGULATORY IMPACT ANALYSIS STATEMENT

(*This statement is not part of the Regulations*.)

Executive summary

Issue: The *Explosives Regulations, 2013* (the Regulations) replace the *Explosives Regulations*, which were out of date and difficult to navigate and understand (i.e. archaic language, layout not conducive to easy interpretation). Several areas of industrial safety and security needed to be

updated to be in line with industry best practices such as quality management systems and personnel training.

Description: The Regulations are a modernization of the *Explosives Regulations*, which required a complete rewrite of the legal text. They introduce a minimal number of new requirements, address obligations under the *Public Safety Act, 2002* that were not yet in force and include changes reflecting modern practices in the explosives industry. Administrative burden to industry will be reduced by removing irritants, unnecessary permits, and duplicate transport requirements, and ensuring that the regulatory framework is accessible and easier to understand. The changes being made include

- Requiring closer management of operating procedures and better staff training;
- Requiring fire safety plans and, under certain conditions, decommissioning plans;
- Improving the packaging of consumer fireworks (e.g. flares, fountains);
- Removing the distribution of safety information to consumers;
- Removing the vehicle Explosive Transport Permit and duplicate transport requirements;
- Clarifying requirements applicable to retail sales establishments (e.g. display for sale requirements for consumer fireworks);
- Improving packaging standards to be met by sellers of industrial explosives (e.g. sellers must, in certain circumstances, mark licence or authorization numbers on inner packaging);
- Increasing the calibre allowed for small arms cartridges from 12.7 mm to 19.1 mm to harmonize with the United Nations (UN) definition; and
- Clarifying requirements applicable to the secure storage of small arms cartridges to prevent unauthorized access.

The security of explosives will be strengthened by

- Introducing a regime of export and in transit permits and requiring exporters and transporters in transit to provide relevant information;
- Requiring a tracking and communication system on vehicles carrying large quantities of explosives;
- Clarifying the limits on the quantities of explosives that may be stored in magazines, which will vary by type of explosive;
- Requiring the preparation in some circumstances of security plans detailing measures to be taken to prevent and react to security incidents;
- Requiring, in certain circumstances, a key control plan for licensed magazines; and
- Requiring security screening of personnel who have access to high hazard explosives: types E (high explosives), I (initiation systems) and D (military explosives and law enforcement explosives).

Cost-benefit statement: The total present value of the monetized costs to stakeholders associated with this regulatory package is estimated to be $12.26M (average annual costs of $1.83M) based on a discount rate of 8% over 10 years. Costs are associated with increasing explosives security through individual screening and implementation of security plans and with increasing safety through increased quality control and reporting. The total present value of the monetized benefits to stakeholders associated with this regulatory package is estimated to be $19.52M (average annual benefit of $2.91M). Benefits are realized by increasing public safety and security and through reduced administrative and compliance costs resulting from the modernization of the *Explosives Regulations*. The total net present value of the regulatory package is thus estimated to produce a savings of $7.26M (average annual benefits of $1.08M). Additionally, the overall reduction in costs assists in meeting the main objectives of the regulatory modernization effort, which is to "ensure a balanced approach to managing explosives safety and managing security risks while minimizing impact on business and supporting innovation and competitiveness."

"One-for-One" Rule and small business lens: The "One-for-One" Rule does apply to the Regulations. Two regulations will be repealed and one new regulation will be introduced. The total annualized savings in administrative burden to business is expected to be $340K per year or approximately $5.00 per year per business.

The small business lens does not apply to this regulatory initiative; however, where possible, the Explosives Safety and Security Branch has incorporated existing standards, programs, and best practices to ensure that the Regulations minimize the regulatory and administrative burden on small businesses without compromising safety and security.

The decrease in administration costs for small business has a present value of $1.4M per year. The majority of the savings result from reduced compliance costs and reduced permission costs. The total annual cost savings to small businesses is $338K with the savings per small businesses being $5.00 annually.

Domestic and international coordination and cooperation: The Regulations are benchmarked against international best practices either already in place or being proposed in such places as the United States, Australia, the United Kingdom and the European Union. Both the United Kingdom and Australia have adopted some of the concepts of the Canadian approach to regulating explosives.

Issue

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

- The technologies, products and industry that the *Explosives Regulations* were designed to control have changed significantly. Industrial practices have changed to the point that the previous regulatory requirements governed an industry that, in effect, 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 the loss of experienced personnel and expertise from industry downsizing and growing numbers of imported products. Loss of experienced personnel increased the importance of having appropriate requirements for the training of personnel involved with the manufacture and handling of explosives. In addition, increased reliance on imports necessitated enhanced requirements for the testing of products being imported rather than being manufactured in Canada.
- Technology has changed. The *Explosives Regulations* were formulated when "dynamite" was the most significant explosive; it is now considered to be old technology. Classification was based on chemical compositions, some of which are no longer being manufactured or used, resulting in an outdated classification scheme.
- New security concerns have emerged, resulting in the need to strengthen security and support Canada's commitment under the Public Security Technical Program (PSTP) for long-term security. (see footnote 16)

As a result of these developments, the *Explosives Regulations* were often either out of date or incomplete. For example, in the past, dynamite cartridges were manufactured at a fixed location and then shipped for distribution to users. Today, low sensitivity emulsion explosives are manufactured in bulk, transported, and sensitized either at the point of use or while loading into boreholes, rendering the whole operation much safer. It was sometimes difficult to adapt the previous regulatory regime to these newer practices even though they were safer, more reliable and more cost-effective. Generally, the Explosives Safety and Security Branch (ESSB) of Natural Resources Canada and the explosives industry coped with the outdated *Explosives Regulations* by using guidelines and industry standards to help structure safety and security practices, imposing various conditions for licences and certifications, and enforcing compliance regimes that are sensitive to the newer technologies.

The old-fashioned drafting, complicated structure, and outdated references in the *Explosives Regulations* made it more difficult for industry stakeholders and their workers to thoroughly and quickly understand what they were required to do. In a 2003–2004 study of stakeholders such as the Canadian Pyrotechnics Council and the Canadian Explosives Association (CEAEC), more than half of those responding to surveys or participating in focus groups found it difficult to locate information in the *Explosives Regulations* and found it difficult to interpret meaning.

While public safety was addressed in the *Explosive Regulations*, certain aspects needed to be clarified and strengthened. For example, security screening is now a requirement for users of high hazard explosives,

although industry for the most part adopted this practice a number of years ago.

Security has become a much greater concern since September 11, 2001. The Government of Canada responded to the threat of home-grown terrorism by implementing additional regulations in 2008 to better control chemicals used in the making of explosives (restricted components). These regulations included a list of restricted components in order to restrict the chemicals that were readily available to the public at the time. The Regulations have been designed to be more adaptable to changing explosives security landscapes.

Objectives

The objective of the Regulations is to ensure a balanced approach to managing explosives safety and managing security risks while minimizing impact on business and supporting innovation and competitiveness.

The *Explosives Regulations* were revised with the objective of developing

- a regulatory program based on an integrated and evidence-based approach that manages safety and security risks across the range of explosives-related activities;
- 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 regulatory modernization process has been underway for a number of years with the view to better reflect current industry conditions and to make them more accessible through the use of language that is as "plain" as possible, given the complexity of many of the matters dealt with. The Regulations are divided into 20 parts for ease of reference for stakeholders. Previously, stakeholders had to scan the entire text of the *Explosives Regulations* to determine what requirements applied to their situation. The Regulations organize information into parts that are each addressed to particular classes of stakeholders and that set out the requirements for that class in a more user-friendly format.

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 made in the Regulations. The categories are administrative changes, writing current practices into regulations, closing loopholes and harmonization.

Administrative changes

Provisions of general application — Part 7

This Part sets out the general terms and conditions that apply to all licences, permits and certificates issued by the Minister of Natural Resources (the Minister) under the *Explosives Act*. They also set out the procedures for making a change to or renewing any of these documents and set out rules governing their suspension and cancellation. Persons affected by suspension or cancellation may ask the Minister to review the decision to suspend or cancel. New requirements for a decommissioning plan and incident reporting are introduced.

Fees — Part 19

On June 1, 2009, the fees in the *Explosives Regulations* were replaced by a new schedule of fees payable for the issuance of licences, permits and certificates. These fees are incorporated into this Part of the Regulations.

Restricted components — Part 20

This Part lists the components of explosives that are restricted (10 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 8 substances (which came into force in March 2009). A 10th component of explosives is added. Part 20 describes the security requirements for these components and sets out the obligations for sellers and for a new category, buyers who will use the components to manufacture and sell products other than explosives.

Writing current practices into regulations

The various guidelines that were developed over the years by Natural Resources Canada in response to the modern explosives industry are formally adopted into theRegulationswhile eliminating the obsolete requirements.

Preliminary matters — Part 1

This Part provides a general overview of the Regulations. It also includes a provision to clarify that explosives under control of allied armed forces are deemed to be under the control of the Minister of National Defence.

General requirements, prohibitions and safety precautions — Part 2

This Part sets out requirements, prohibitions and safety precautions that apply to every person who is carrying out an activity involving an explosive.

Authorization and classification of explosives — Part 3

Under this Part, the Regulations

- set out the information that must be provided when requesting authorization of an explosive for use in Canada;
- describe the process to be followed to obtain the authorization;
- set out the new classification of explosives scheme by assigning a type to an explosive based on its intended use and associated hazards. These types were developed for the classification of explosives on which parts 10 to 18 of the Regulations are based;
- introduce a new hazard classification scheme 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
- incorporate the UN transport classification scheme.

Manufacturing explosives — Part 5

This Part addresses the manufacturing of explosives. It describes

- the information and documents that must be included in an application for a factory licence, a satellite site certificate or a manufacturing certificate;
- 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 requirement 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;
- the rules of conduct applicable to workers and visitors at a factory or satellite site and to persons at a workplace;
- 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.

New technologies have significantly modified manufacturing methods and increased the need to have more detailed procedures along with appropriate training of personnel. The requirements for appropriate training and associated records are now part of the Regulations.

Magazine licences and storage in a licensed magazine — Part 6

This Part sets out the process of how to apply for a magazine licence as well as the standards and the safety and security procedures for magazines. The Regulations require a fire safety plan and a key control plan to be in place before an application for a magazine licence is submitted. The applicant will be required to declare that a fire safety plan has been prepared and sent to the local fire department. Additionally, a security plan will have to be prepared and submitted for every magazine storing type E (high explosives), I (initiating systems), or D (military explosives and law enforcement explosives), and the elements in the plan must be implemented by the licence holder.

Transport — Part 9

The *Explosives Regulations* existed prior to the *Transportation of Dangerous Goods Regulations.* When the latter came into force, duplicative regulatory requirements were created. The Regulations eliminate overlap with the *Transportation of Dangerous Goods Regulations* by removing some out-of-date sections, such as the requirement for an Explosives Transport Permit, the need for a shipping document, the speed limit on public roads, and other outdated references to the transportation of explosives (such as the prohibition on nitroglycerine) and to products no longer being used in large volumes.

The Regulations maintain some provisions from the *Explosive Regulations* such as those respecting the transport of damaged explosives and the requirements when a stop is necessary. To align with the *Transportation of Dangerous Goods Regulations*, the Regulations no longer have the 10-hour driving limit for explosives shipments or the requirement for a yearly inspection of a transport vehicle by a licensed mechanic. As a result, the transportation of explosives will be subject to the same requirements as those for other dangerous goods under normal transport conditions.

There will be no impact on the transportation of explosives by eliminating the aforementioned requirements, as they exist under the *Transportation of Dangerous Goods Regulations.* Accordingly, regulatory oversight on the transportation of explosives will not be affected.

Similarly, the transportation of certain low-hazard explosives, which are generally sold to the public from retail outlets, in quantities of not more than 12 kg in some cases, of not more than 150 kg in other cases and of unrestricted quantity in yet other cases is exempted from the transportation requirements of Part 9 as they would also be subject to the requirements of the *Transportation of Dangerous Goods Regulations*.

The Regulations now require vehicles transporting large quantities of explosives to have a tracking system and two-way communication devices between the driver and the operator of the system.

Military explosives and law enforcement explosives — Part 10

This Part deals with the selling, acquiring, storing and use of military explosives and law enforcement explosives (type D). These restricted explosives can only be sold, acquired, stored or used by persons with the appropriate licence, subject to exceptions for certain armed forces and police forces.

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

These parts set out the requirements for selling, acquiring and storing power device cartridges and special purpose explosives.

The *Explosives Regulations* set out rules for a class of explosives called "safety cartridges." Under the Regulations, safety cartridges have been reclassified as "power device cartridges" (covered in Part 12) and "small arms cartridges" (covered in Part 14). The quantity of power device cartridges that may be sold or stored without a licence is more clearly communicated by expressing it in units rather than explosives content.

Special purpose explosives are divided into low-hazard special purpose explosives (former classification 7.2.4) and high-hazard special purpose explosives (former classification 7.2.5).

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

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 primers). It also sets out rules for the manufacture of small arms cartridges and black powder cartouches for personal use.

The Regulations clarify the requirements for the storage for personal use of small arms cartridges, smokeless powder and black powder in private residences. The limits on the amount of propellant powder (defined as smokeless powder or black powder) that may be stored by an unlicensed person vary depending on whether it is stored in a detached residence or in another type of residence. The amount of propellant powder that may be stored in a detached residence is increased from 10 kg to 25 kg, of which no more than 10 kg may be black powder. The amount of smokeless powder that may be stored in a residence other than a detached residence is increased from 10 kg to 20 kg provided the smokeless powder is kept in containers of 1 kg or less. If the powder is kept in larger containers, the limit is lowered to 5 kg. As for black powder, the limit is 1 kg if the black powder is in containers.

Comments received following the publication of the proposed Regulations in Part I of the *Canada Gazette* reflected some confusion over the proposed small arms cartridge storage rules. In particular, there was concern regarding the requirement to "protect cartridges from theft." The concern was that this could be interpreted by law enforcement agents as a requirement to have substantial measures in place for the prevention of theft rather than a simple requirement to take minimal precautions. Therefore, the requirement to store cartridges in a manner that protects them from theft has been replaced by a requirement that unauthorized people not be given unlimited access to the stored cartridges.

Model and high-power rocket motors — Part 15

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 by the Regulations as this is regulated by Transport Canada.

The provisions relating to reloading kits are new. Because re-loadable rocket motors are a recent technology, they were not covered by the *Explosives Regulations.*

Under the Regulations, the total impulse limit for model rocket motors is increased from 80 newton-seconds to 160 newton-seconds to harmonize with the existing standards in the United States.

The Regulations allow people who are at least 12 years old to acquire a model rocket motor that does not exceed 80 newton-seconds.

Pyrotechnics special effects — Part 17

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

A comment received following the publication of the proposed Regulations in Part I of the *Canada Gazette* suggested removing the requirement for using two different non-commercial operational frequencies. This change was accepted and will permit more flexibility in firing systems for pyrotechnics while achieving the same safety result of preventing accidental ignition. The Regulations now allow a technician from outside Canada to act as a visitor pyrotechnician.

Display fireworks — Part 18

This Part sets out the requirements for selling, acquiring, storing and using display fireworks and firework 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.

The Regulations require a fallout zone (the area in which fireworks debris are likely to fall during the display) to be established before the fireworks are first brought on site. The Regulations require the supervisor in charge at the display to establish a danger zone immediately around the firing site when the fireworks are first brought on to the site. The danger zone must be expanded into a fallout zone before the testing of the circuits in an electrically fired display or, in the case of manually fired fireworks, before the first firework is fired. This two-step approach will allow greater flexibility for the fireworks crew but maintain the level of safety required during the set-up of the display.

The Regulations allow a technician from outside Canada to act as a display assistant.

Closing loopholes

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

This Part of the Regulations addresses the importation, exportation and in-transit transportation of explosives. It prescribes

- 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 *Explosives Regulations* only dealt with the importation of explosives. Now that the Regulations also deal with exportation and in-transit transportation of explosives, section 9 of the *Explosives Act*, as amended by section 40 of the *Public Safety Act, 2002*, can be brought into force.

The Regulations require that secure storage locations for intransit explosives in case of emergencies be designated.

Screening — Part 8

The Regulations introduce a new requirement for security screening for people who have access to high hazard explosives. The objective of the screening requirements 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 Regulations, an individual who applies for a licence, or renewal of a licence, authorizing the storage of high hazard explosives is required to submit to Natural Resources Canada the original of a criminal record check carried out within the previous year or proof of an equivalent document. In addition, every applicant for a licence must also submit a list of individuals who are required to have an approval letter from Natural Resources Canada. Individuals are required to have an approval letter or equivalent document if they have access to, or control access to, high hazard explosives. The licence holder is required to ensure that every employee having access to high hazard explosives (or permits others to have access) has an approval letter or equivalent document. Employees seeking an approval letter will have to submit a recent criminal record check with their application form.

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.

Consumer fireworks — Part 16

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.

The Regulations clarify the requirements relating to the display for sale of consumer fireworks. These requirements cover consumer packs for non-aerial consumer fireworks and packages meeting the requirements established under the *Transportation of Dangerous Goods Regulations*. When consumer fireworks are not in such packages, they are stored in a storage unit.

Most of the other changes from the *Explosives Regulations* reduce the administrative burden on sellers, purchasers, and users. However, the Regulations set out a new requirement for sellers to keep records of any sale of more than 150 kg of consumer fireworks. Under the *Explosives Regulations*, records of sale were not required unless the amount sold was more than 1 000 kg.

Harmonization

The Regulations are harmonized with provincial legislation for the storage and possession of explosives when such provisions are in place provincially.

Industrial explosives — Part 11

This Part deals with selling, acquiring and storing explosives used for industrial purposes. However, the storage requirements set out in this Part apply only to holders of magazine licences issued by the Minister of Natural Resources of Canada. These requirements do not apply when a competent provincial or territorial authority authorizes the storage of industrial explosives at a mine site or quarry.

The industrial explosives covered by this Part are the following based on the new classification of explosives in Part 3:

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

The Regulations add new requirements including

- a seller must mark the purchaser's packaging with the federal, 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 from the previous three years. The information that must be kept in the record has been simplified from that required under the *Explosives Regulations*;
- a user who holds a provincial or territorial authorization to store industrial explosives at a mine site or a quarry who is a user is now authorized to purchase 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 did not previously contain any liquid-based explosive ingredients. Packaging not in good condition may not be reused, but must be destroyed so that it cannot be reused; and
- users with a provincial or territorial authorization do not require a licence or certificate to store explosives at the site of use. A requirement for attending the explosives has been added to cover a potential situation not covered by provincial or territorial regulations.

Regulatory and non-regulatory options considered

The regulatory modernization reduces the gap that has grown between the *Explosives Regulations* and the reality of today's technology, industrial structure and 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 the development of the Regulations, options alternative to regulations could be considered. The Regulations are based on the requirements set out within the *Explosives Act* for all activities related to

explosives. Under the *Explosives Act*, all explosive activities are considered prohibited unless permitted by the *Explosives Act* or the Regulations, or by a licence, permit or certificate. Licences, permits and certificates are issued to authorize activities related to manufacture, importation, storage and sale as well as for the use of display fireworks and pyrotechnics special effects.

Benefits and costs

The Regulations are intended to enhance safety and security. By better reflecting how industry and regulators actually operate, the changes should also lead to the reduction of administration and compliance costs to industry. The approach to assessing costs and benefits of this proposal focused separately on three aspects of the amendments: improved public safety, enhanced security and modernization.

Costs — Improved public safety and enhanced security

The cost-benefit analysis (CBA) developed for each aspect estimated costs for the affected parties. As many stakeholders covered by these Regulations do not report directly to Natural Resources Canada, their number and associated costs were estimated based on proxies such as national sales data and assumed average sales per business. As these values were often uncertain, conservative estimates of the associated costs were assumed. Both a qualitative and quantitative assessment of the benefits resulting from the changes were undertaken.

Cost-benefit statement

		Base Year: 2010 One-time Cost (see reference 1)	**Initial Year: 2013**	**Final Year: 2022**	**Total (PV)** (see reference 2)**: 2010 ($)**	**Average Annual: 2010 ($)**
Quantified impacts ($)						
Benefits for safety	Improved public safety		$452,000	$452,000	$3,033,000	$452,000
Benefits for modernization			$2,457,000	$2,457,000	$16,487,000	$2,457,000
Total benefits					**$19,520,000**	**$2,909,000**
Costs for safety	Factory licence holders	$1,229,000	$157,000 every third year	$157,000	$1,509,000	$225,000
	Retailers		$100,000	$100,000	$671,000	$100,000
Costs for security	Magazine licence applicants (Type E, I, or D)	$804,000	$40,200	$40,200	$1,074,000	$160,000
	New sellers	$120,000	$20,000	$20,000	$254,000	$38,000
	Industry and workers (see reference 3)	$298,000	2015–2018: $14,900 then 2019: $238,400 then 2020–2022: $29,800	$29,800	$466,000	$69,000
	Government cost to implement security provisions		$150,000	$150,000	$1,007,000	$150,000
Costs for modernization		$3,204,200	$607,200	$607,200	$7,278,000	$1,085,000

Total costs	**$12,259,000**	**$1,827,000**
Net benefits (total benefits – total costs)	**$7,261,000**	**$1,082,000**

Qualitative impacts

Security

- 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 using them.

Safety

- 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; and
- Safer, more reliable and more cost-effective technology with lower risks to companies, workers and the public at large.

Modernization

Benefits of the modernized Regulations include lowered costs to stakeholders through the

- Time savings to all stakeholders through increased comprehension and ease of use of the Regulations and thus better compliance with the law;
- Elimination of overlap and duplication with other regulations and laws, particularly under transport;
- Harmonization of exemptions;
- Elimination of unneeded permits; and
- Reduction of time and effort to train staff and ensure compliance.

Reference 1
One-time costs are incurred in the year the Regulations come into force.

Reference 2
As present values are calculated in 2010 dollars, the formula used is $AV = [PV \cdot \rho] / [1+ \rho - (1+ \rho)^{-n+1}]$ at 8% over 10 years.

Reference 3
Security screening starts one year following the Regulations' coming into force (initial year is $0.00).

Security enhancement

The Regulations will increase security with respect to explosives through measures such as security screening of individuals with access to high explosives and the new requirement for security plans for magazines and certain types of explosives.

The monetized costs associated with the security enhancement in this proposal would have a 10-year present value cost of approximately $2.8M or an annualized cost of $417K. If this proposal decreases the likelihood of a security-related incident using explosives by only a very small amount, the benefits to individuals and society would offset these security costs.

Public safety enhancement

The modernization of 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.

The monetized costs associated with public safety enhancement in this proposal would have a 10-year present value cost of approximately $2.18M. The average annualized cost to stakeholders from public safety enhancement averages approximately $325K. The benefits associated with public safety enhancement in this proposal have a 10-year present value benefit of $3.033M or $452K annualized. The net annualized benefit to stakeholders is $127K.

Modernization enhancement

The Regulations were written with a focus on reduction in administrative and compliance burden while ensuring that safety and security risk was not compromised. In addition to the qualitative impacts associated with the modernization of the Regulations, the reduction in administrative and compliance burden also results in cost savings to stakeholders.

The monetized costs associated with the modernization of the Regulations in this proposal would have a 10-year present value cost of approximately $7.278M giving an average annualized cost to stakeholders of approximately $1.085M. The benefits associated with the modernization enhancement in this proposal have a 10-year present value benefit of $16.487M or $2.457M annualized. The net annualized benefit to stakeholders of the modernization of the Regulations is $1.372M.

Summary of costs and benefits

A 10-year present value of the costs expected for the security, public safety and modernization enhancements of this proposal is expected to be $12.3M, with the benefits expected to be $19.52M over this same period. The monetized net benefit expected from these enhancements of this proposal is expected to have a 10-year present value of approximately $7.26M. The annualized net benefit to stakeholders is expected to be approximately $1.08M.

“One-for-One” Rule

The “One-for-One” Rule does apply to the Regulations. Two sets of regulations were repealed and replaced with only one set of regulations. The repealed regulations are the *Explosives Regulations* and the *Restricted Components Regulations*, which were replaced by the Regulations. The modernization resulting from the Regulations will ensure a net overall decrease of administrative burden to stakeholders and is summarized below. The total annualized savings in administrative burden to business are expected to be $340K per year or approximately $5.00 per year per business.

Consultations with industry were held in 2011 and 2012, with requests to industry to provide comments on the proposed costs and benefits. Feedback resulted in positive agreement/confirmation on the costs (including those related to administrative burden) associated with the implementation of the Regulations and were found to be appropriate and are reflected in the Regulations. These consultations included the Petroleum Services Association of Canada (PSAC), the Canadian Association of Geophysical Contractors (CAGC), the Canadian Explosives Industry Association (CEAEC), the Canadian Pyrotechnic Council (CPC) and the Canadian Fertilizer Institute (CFI) [for restricted components only] and contributed to the calculations of the baseline monetized reductions in administrative burden associated with the modernization of the Regulations. These industry associations represent stakeholder groups involved in the metal and non-metal mining, oil and gas drilling, extraction and related services, explosives manufacturing and usage, general freight trucking and pyrotechnic entertainment industries.

Learning about the Regulations and requirements

With the modernization of the *Explosives Regulations*, stakeholders will spend less time consulting the Regulations and getting clarification on provisions of an administrative nature. Based on formal consultations with stakeholders, it has been shown that theRegulations are understood by almost 90% of stakeholders as opposed to less than 45% understanding the *Explosives Regulations*. The assumption is that following the initial familiarization with the Regulations, there will be a continued time savings of one hour each time the Regulations need to be consulted by stakeholders. Large companies may need to consult the Regulations many times each year while small businesses may only need to consult them upon renewal. The annual administrative savings are calculated assuming the average number of consultations for each of the 15 000 stakeholders contacting the Explosives Regulatory Division (ERD) for licences, permits and certificates each year, which is likely to be twice, at one hour per consultation, using an administrative assistance rate of $28.00 per hour.

Applications and permissions

The introduction of export and transport in-transit permits will affect only a very small percentage of stakeholders and consist mainly of large manufacturers already licensed by the ERD. Approximately 20 companies will do an estimated average of 50 in-transit shipments and 10 exports per year. The administrative time to apply for permits and complete reporting requirements is estimated at two hours of

clerical time at a rate of $24.00 per hour.

The new security screening provisions in the Regulations will result in increased administrative costs to businesses handling types D, E and I explosives as it is assumed in most cases the cost of screening individuals will be administered by the company. These administrative tasks include the preparation of application forms for the Canadian Police Identification Check (CPIC) and the ERD as well as the cost to set up and maintain a record system to track screened employees. The administrative costs are assumed to be two hours per screened employee at a security/protective services rate of $32.00 per hour. Out of approximately 1 500 licensed stakeholders (number of licences and permits that have type D, E and I explosives), it is estimated that approximately 2 000 employees will require screening checks. For the stakeholder, this works out to an average of 1.3 screened employees requiring a screening check.

Administrative calculations for ongoing costs associated with security screening assumes that 20% of stakeholders will renew/apply each year (based on a five-year renewal period), with an additional 5% turnover, for security screening of 315 stakeholders (420 employees) annually.

Record keeping and reporting

The Regulations now set out regulatory requirements for record keeping, audits, notifications and reporting, which introduce additional administrative costs to affected stakeholders.

Internal record keeping and audits

Explosive factory licences and manufacturing permits will require internal record keeping and audits for equipment maintenance and decontamination, operating procedure reviews and audits.

- **Requirement to maintain maintenance and repair records for process equipment.** This requirement is for the 200 holders of factory licences only. This would need be done on a monthly basis and require approximately one hour of process labour time at $20.00 per hour.
- **Requirement to maintain decontamination records for process equipment.** This requirement is for the 200 holders of factory licences only and is only carried out when hot work repairs or off-site maintenance are required. It is assumed this happens two times a year (on average) for each factory and the records require one hour to complete each time at a labour cost of $20.00 per hour.
- **Maintain up-to-date operating procedures and review annually.** All 200 holders of factory licences and 50 holders of manufacturing certificates must comply with this requirement. The review is done once per year for each factory licence or manufacturing certificate and is estimated to take approximately 12 hours of management time at an average cost of $43.00 per hour.
- **Audits of Quality Management System (QMS).** This requirement must be performed at licensed factories. Although there are approximately 200 factory licences in Canada, about half are licences for perforators which are covered by an industry code of practice. There are approximately 108 non-perforators factories which will require QMS audits. Of these, 8% already have a program in place, so no additional burden is added. This breaks down to approximately 100 factories being affected by this regulatory requirement. It is assumed that, for most cases, internal staff is used to perform audits and that audits will occur every third year at a cost of $1,600 (about 32 hours or four days of audit staff time at $50.00 per hour). Thus, approximately 33 licence holders will audit their certification every year.
- **Record sales of 150 kg or more of consumer fireworks.** All the distributors which would be required to record each sale of 150 kg or more are licensed. There are approximately 30 distributors in Canada who would have an average of 10 sales over 150 kg per year (this is based on email survey responses from several distributors). It is assumed to take 15 minutes to record all information required for each sale by clerical staff at $24.00 per hour.

Reporting and notifications

The Regulations introduce additional reporting requirements for some stakeholders.

- **Annual reports are required for factory licences and certificates, and for import/export permits.** The stakeholders affected by this requirement are licensed factories, manufacturing certificates and export and transport in transit permits. There are approximately 250 licensed factories and manufacturing certificates in Canada and it is estimated that approximately 50 transport in transit

shipments and 10 exports will be made per year. There will be 310 stakeholders required to meet the Regulations. The reports are completed once per year and are estimated to take about eight hours at a labour cost of $20.00 per hour. This estimate is based on a similar report required to be submitted by sellers of ammonium nitrate.

- **Notification of intent to sell smokeless powder and black powder.** Unlicensed sellers of smokeless powder and black powder are required to notify the Chief Inspector of Explosives (CIE) of the intent to sell or stop selling these powders. Notices of this type are estimated to be 100 per year. It is assumed each notification will take15 minutes at a clerical cost of $24.00 per hour.
- **Update site security, key control and fire safety plans.** This requirement affects only licensed stakeholders. Site security, key control and fire safety plans must be updated to reflect any change of circumstance and means that the plans need to be updated only if there is a change required based on a change to the site or to cover additional scenarios. Most sites are static and updates relatively rare. Security plans are required for types E, I and D explosives and would be needed for approximately 1 500 stakeholders. About 5% may need to update their security plans each year (i.e. a total of 75 stakeholders) and the updated plans must be forwarded to ERD. The key control and fire safety plans are required for approximately 1 800 licences. It is estimated between 4% and 5% of these would need to be updated each year (i.e. approximately 75 stakeholders), but do not need to be forwarded to ERD. The review would take approximately 0.5 hours and be done by management at a cost of $43.00 per hour.
- **Restricted component product seller.** Product sellers are companies that use a restricted component to make or produce other products for sale but do not sell the restricted component directly. When the *Restricted Components Regulations* were put in place in 2008, the Canadian Fertilizer Institute agreed that the projected costs were reasonable and estimated the total financial impact to their members at approximate one-time start-up costs of $120,000 plus another $20,000 annually (approximately). These projections have been applied to the additional stakeholders who need to enrol as a product seller. ERD estimated in 2008 that there were 605 component sellers affected by this part of the Regulations. The adding of product sellers is expected to add another 500 to those already enrolled.

Small business lens

Small businesses were consulted in the development of this regulatory proposal through stakeholder organizations such as the Canadian Pyrotechnic Council, the National Firearms Association, the Canadian Shooting Sports Association, and the International Society of Explosives Engineers.

Stakeholder comments on the Regulations focused on their anticipated costs and how the Regulations would affect their day-to-day business activities (e.g. potential impacts on their sales). During the consultation phase of the regulatory development, modifications were made to the regulatory text based on feedback received from small business on the condition that the modification did not have an adverse impact on safety or security. Stakeholders support the changes as they modernize the regulatory environment, make compliance easier and implement modern industrial practices into the Regulations.

It is estimated that the total number of businesses impacted by this proposal is 63 542, of which an estimated 63 216 are small businesses. Therefore, there is no disproportional impact to small business. There will be an overall savings in compliance and administrative costs to small business resulting from the modernization of the *Explosives Regulations* of approximately $1.4M per year. These savings are realized through eliminating duplication of regulatory requirements and unnecessary permits, recognizing advances in technology, products, processes and equipment, and making the Regulations more understandable.

Consultation

Modernization of the *Explosives Regulations* was initiated in the 1990s and was developed in concert with key partners and stakeholders. Given the long-term nature of this project, stakeholders have been made aware of the changes and have been consulted on numerous occasions. Throughout the consultation process, ESSB sought to find ways to better reflect in the Regulations the industry as it has evolved, modern industry best practices, modern regulatory practices and evolving technology.

In general, industry has been supportive of this exercise and has contributed time, effort and ideas toward the objective of improving the Regulations. Feedback indicates that the Regulations strike the appropriate balance of providing solid security features without unreasonable burden.

The draft Regulations were published in the *Canada Gazette*, Part I, on March 17, 2012, followed by a period of 75 days to provide comments. Every effort was made to ensure the Regulationswere developed with stakeholder input, which was solicited during consultations held from the early stages of development through to the current comments and feedback received from the *Canada Gazette*, Part I, publication. Using consumer fireworks vendors as an example of the inclusion of stakeholder input, the draft Regulations required that aerial fireworks be stored behind the counter of a retail establishment. Consumer fireworks vendors (mostly all small businesses) felt that this would decrease their sales as the products would be less visible to consumers. A compromise was reached whereby aerial fireworks could be stored on the floor of a retail store with some specific package modifications. This met the need of the small businesses to be able to display product for sale and also the needs of the regulator to promote safety. This is just one example of the dialogue that was undertaken with stakeholders (in this case small business) throughout the development of the Regulations.

The 75-day consultation period resulted in a total of 240 comments. A number of requests for clarification were received from a total of 180 stakeholders, mainly individuals, corporations, federal government departments and industry associations.

Comments received during the consultation period focused (for the most part) on clarifying the scope and text of the Regulations, reducing administrative burden and supporting effective transition to the new Regulations. For example

Question (Part 15, Model and high power rocket motors): Section 319 limits the impulse of rocket motors for 12-to 17-year-olds to 40 newton-seconds which is an "E." Current regulations allow up to 80 newton-seconds which is an "F," Why not keep the status quo?

Response: This comment has been reviewed and accepted. The relevant sections of the Regulations will be changed to 80 newton-seconds.

Question (Part 20, Restricted components): Is there a change in relation to hydrogen peroxide?

Response: The reference to a UN number is removed. The regulated concentration remains the same.

Question (Part 9, Transport): When referring to a mass in Part 9, the terms net explosives quantity (NEQ) or gross quantity should be used whenever weight is mentioned.

Response: For consistency within the Regulations, the reference to explosive quantity used (NEQ or gross mass) has been placed at the beginning of each Part in which a definition is required.

Question (Part 4, Importing, exporting and transporting in transit): Is there any liaison between Canada Border Services Agency (CBSA), Transport Canada (TC) and Natural Resources Canada on consignment verification?

Response: Yes. Natural Resources Canada has agreements in place with CBSA for verifications being done at the border.

Question (Part 8, Security screening): Conflicting information regarding security screening. Do we proceed under the assumption that the definition in section 175 is likely to change to include user licences?

Response: The background security screening requirement will be conducted in two phases. The first phase will affect all manufacturing and explosives vendor licences and will take effect one year following the coming into force of the Regulations. The second phase, affecting all other licences and all permits, will start two years following the coming into force of the Regulations.

Question (Part 14, Small arms cartridges): Why is the calibre of cartridges restricted to .50 calibre?

Response: This is a current requirement for safety cartridges. Based on the suggestions received, the calibre allowed for small arms cartridges has been harmonized with the United Nations (UN) definition and increased from 12.7 mm (.50 calibre) to 19.1 mm (.75 calibre) and includes shotgun shells of any gauge.

Natural Resources Canada has undertaken a number of minor modifications to the Regulations as a result of stakeholder comments. These include

- The requirements for the storage of small arms cartridges were reworded to reflect the intent (i.e. not to allow unlimited access);
- The net quantity of explosives was further clarified in various sections of the Regulations to facilitate understanding;
- The requirement for the annual inspection of a transport vehicle by a certified mechanic was removed since this is also addressed by provincial laws; and
- The restriction for tracers used for small arms cartridges was removed, and such cartridges will be authorized when they are safe to use.

Comments and responses may be viewed on the Explosives Safety and Security Branch Web site at: www.nrcan.gc.ca/minerals-metals/explosives/3476.

Rationale

In response to the events of September 11, 2001, amendments to the *Explosives Act*, as part of the coming into force of the *Public Safety Act, 2002*, required new regulations to promote the secure acquisition and possession, storage, transport, importation, exportation and transportation in transit of explosives and also the control of precursor chemicals.

During the design of the new Regulations, numerous industry stakeholders were consulted to ensure that the Regulations, when promulgated, would not only improve the security of explosives but would also do so in a financially manageable manner. Most of the regulatory changes do not, in fact, create new obligations for industry. Many are developed to reduce overlap and duplication with other regulatory regimes, clarify (and in some cases ease) existing requirements and ensure that the written regulatory text reflects current industry and regulatory practices. The Regulationsstrike a balanced approach between not placing undue burden on industry and addressing gaps in explosives safety and security.

Strategic environmental assessment

In accordance with the Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals, a preliminary strategic environmental assessment was conducted for this proposal. The proposal is mainly administrative in nature and will enhance the understanding of the regulatory requirements for industry stakeholders. Industrial safety and security will parallel industry best practices and fill certain gaps in order to provide better protection for the industry, their workers and the public at large.

Implementation, enforcement and service standards

The Regulations will come into effect six months following their publication in the *Canada Gazette*, Part II. The export and intransit permit provisions of Part 4 will come into force one year after the Regulations come into force, while the implementation of the security screening provisions (Part 8) will be conducted in two phases. The first phase will affect all manufacturing and explosives vendor licences and will take effect one year following the coming into force of the Regulations. The second phase, affecting all other licences and permits, will start two years following the coming into effect of the Regulations. A phased approach to the coming into force of the Regulations has been developed to ensure that the new requirements are fully communicated to the stakeholders and to ensure that ESSB's internal information technologies infrastructure is in place for the issuance of licences, permits and certificates.

To assist stakeholders during the transition, ESSB has developed a "Consulting with Stakeholders" Web site to provide industry stakeholders and partners with a single window access to the Regulations. This site will provide guideline documents, forms, and information for compliance with the Regulations. Enforcement of the Regulations will continue to be done through education, licensing, inspections, and prosecution if necessary.

Performance measurement and evaluation

The Regulations will be measured and evaluated through the ESSB's regular performance measurement framework. ESSB continually monitors compliance rates to the Regulations as well as death and injury rates

related to the use and handling of explosives in Canada. The impact of the changes in the Regulations will be assessed by trends in death and injury rates, and stakeholder compliance rates. Additionally, to improve service predictability and performance, ESSB will develop and publicly release service standards on an annual basis.

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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*
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Footnote 13*
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Footnote 14*
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Footnote 15*
Terms preceded by an asterisk are defined in section 6.

Footnote 16
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.