



# Loss Control TIPS

## Technical Information Paper Series

*Innovative Safety and Health Solutions<sup>SM</sup>*

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## Handling Blasting Claims Effectively

Blasting is commonly used to break up rock or hard soil when it is not feasible to do so mechanically. The blasting agent converts a chemical substance into a gas; this reaction produces pressure great enough to fracture the rock. This pressure travels in the rock in the form of a deteriorating radial shock wave that propagates outward from the blast site. This shock wave causes a very high frequency, low amplitude vibration in the rock, which can be transmitted to the adjacent soil. This is where the problems can start.

People are very sensitive to even the slightest levels of vibration. Therefore, when blasting operations are conducted in a residential area, there will surely be complaints about, or claims for, blasting damage. These claims or complaints stem from peoples' beliefs that if they can *feel* the vibration, they assume it will damage their property. It is difficult to disregard these concerns, because the complainants honestly believe that the vibration was damaging. In fact, however, the threshold limit for physical property damage is far *above* the level at which people feel the vibration.

### **Be Prepared to Handle Claims**

Prior to the start of beginning any blasting operation, establish procedures for handling the inevitable complaints about blasting, vibration, and noise. This is good public relations, and also shows that your operation is responsive to public concerns. Organizations that are not prepared to respond to community concerns, complaints, or claims will have difficulty convincing anyone that they are professional and concerned about the people who live in the area.

The response procedure should state how blasting operations will be conducted, and how complaints and claims will be handled, filed, and documented.

Handle all blasting and property complaints quickly. Contact the claimant promptly to set up a meeting at a convenient time. If the time between the first notification and initial contact is too long, the complainant may contact a regulatory agency or attorney. Should this happen, the chances for friendly negotiation to resolve the problem will diminish.

### **Designate One Person To Handle Claims**

Designate one person to handle complaints and claims. This person should have both good technical knowledge of the operations and strong interpersonal skills. This person should have the authority and responsibility to resolve complaints or claims quickly. Even if a third party will be involved in the investigations, the designated person can take responsibility to ensure that the complaint is handled promptly and professionally, and that the activities are coordinated efficiently between all parties.



The designated person should make the initial contact. If the designated person feels that the problem is beyond his or her expertise, then a third party investigation should be arranged. Depending on the circumstances and type of damage, the claim should be brought to a conclusion as quickly as possible. For example, if there is property damage from fly rock, long delays could make the condition worse. This will also affect the company's ability to settle out of court.

## Take Appropriate Action

If the damage was indeed caused by blasting, your company should take the responsibility to make sure the claim is handled promptly and fairly compensated.

If it is determined that the alleged damage or defects were *not* caused by blasting, exercise care in extending any type of compensation. Some feel that making an outright, direct payment is better and less expensive than fighting the claim or letting it be decided in court. Payment may work sometimes as a "good neighbor policy," but once the word gets out that payments are being made, the matter may snowball, with everyone in the neighborhood claiming damage. The company may unwillingly end up in the remodeling business for everyone in the neighborhood, with no compensation for their services.

If the blasting has caused obvious physical damage, then extend an offer to assist the owner, at least for temporary repairs. In this situation, some contractors prefer to coordinate all of the repairs, to ensure that the repairs are made properly. Exactly how the work is to be done will vary, depending on the damage. Exercise caution in "throwing money" at the claimant for the damage. This may not be the best solution. Restoring the damaged area back to the pre-damaged state is usually the best course of action.

In some circumstances, it may be best to wait until the blasting operation has been completed, or has moved some distance away, before initiating repairs or settling claims. If this course of action is chosen, be sure to that documentation is complete.

## Take Complaints and Claims Seriously

*Do not take blasting complaints lightly.* The legal system views blasting as a hazardous operation and Strict Liability may be imposed by the courts. Complaints and claims must be taken very seriously, or claims may have to be paid that have nothing to do with blasting.

Failure to resolve problems with neighbors of the site can also affect the entire operation of the blasting program. Problems can extend to all later operations of the construction project.

The Hartford's Claims Department is expert in claim handling and should be kept apprised at all times. Communicate with your claims person. Loss Control is also available to assist the blaster, contractor, and claims department to provide or supplement technical expertise.

For more information, contact your local Hartford agent or your Hartford Loss Control Consultant. Visit The Hartford's Loss Control web site at <http://www.thehartford.com/corporate/losscontrol/>

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