

Legal Brief

Emera Maritime Link Project Flyrock Incident — Residential Damage in Cape Ray

September 25, 2017

I. Matter

Incident: Construction blasting associated with the Emera Maritime Link project resulted in flying debris being projected into nearby residential properties in Cape Ray, causing damage to homes located approximately 250 to 300 metres from the blast site.

Date of Incident: September 25, 2017

Location: Cape Ray, Newfoundland and Labrador, Canada

Project: Emera Maritime Link construction project

Nature of Matter: Construction blasting incident involving off-site flyrock migration, residential property damage, and potential public safety concerns.

II. Overview

On September 25, 2017, blasting conducted as part of the Emera Maritime Link project resulted in flying debris traveling beyond the intended blasting area and damaging homes in Cape Ray.

The affected residences were located approximately:

250 to 300 metres from the blast location

The incident involved uncontrolled movement of blast-generated material into an occupied residential area, creating potential risks to residents, property, and public safety.

Although the available information does not identify injuries, the blasting contractor responsible, regulatory investigation findings, enforcement actions, or civil claims, the event represents a

significant construction blasting incident because debris from an infrastructure project affected third-party residences.

III. Material Facts

A. Construction Blasting Activity

The incident occurred during blasting associated with construction of the Emera Maritime Link project.

Large infrastructure projects frequently require controlled blasting to:

- remove rock;
- prepare construction corridors;
- install underground or surface infrastructure.

Proper blasting practices are intended to control:

- flyrock;
- airblast;
- ground vibration;
- damage to surrounding structures.

During the September 25, 2017 blast, debris traveled beyond the designated blast area.

B. Flyrock Travel and Residential Impact

The reported distance between the blast location and affected homes was approximately:

250 to 300 metres

The flying debris damaged nearby residences.

The available information does not specify:

- the size or weight of the debris;
- the number of homes affected;
- the type of property damage;
- explosive quantities;

- blast design parameters;
 - the planned exclusion zone.
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C. Impact on Homes

The blast-related debris caused damage to homes in Cape Ray.

The available information does not identify:

- whether residents were present during the blast;
- whether any occupants were injured;
- the extent of repairs required;
- whether residents were evacuated;
- whether compensation was provided.

The involvement of occupied residences is significant because it demonstrates that blast effects extended beyond the construction site and affected members of the public.

IV. Potential Legal Issues

Issue 1: Adequacy of Construction Blast Controls

A primary legal issue would be whether the parties responsible for the Maritime Link blasting operations adequately assessed and controlled the risk of flying debris affecting nearby residences.

An investigation would likely examine whether:

- residential areas were identified during blast planning;
 - appropriate clearance distances were established;
 - the blast exclusion zone was sufficient;
 - residents received adequate warnings;
 - protective measures were implemented.
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V. Potential Negligence Analysis

1. Duty of Care

The project owner, construction contractor, and blasting personnel generally owe duties of care to:

- nearby homeowners;
- residents;
- workers;
- motorists;
- members of the public.

Because occupied homes were located within several hundred metres of the blast area, residential exposure was a foreseeable risk requiring protective measures.

2. Standard of Care

The standard of care would likely be assessed against accepted construction blasting practices.

Relevant factors may include:

- blast design;
 - explosive loading calculations;
 - burden and spacing;
 - drilling accuracy;
 - stemming adequacy;
 - initiation sequence;
 - geological conditions;
 - blast monitoring;
 - exclusion-zone planning.
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3. Potential Breach

A breach could potentially be alleged if evidence showed that reasonable precautions were not taken to prevent debris from reaching homes.

Potential contributing factors could include:

- inadequate blast design;
- insufficient containment;
- improper explosive loading;

- inadequate stemming;
 - failure to account for nearby residences;
 - insufficient warnings or security measures.
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4. Causation and Damages

A civil claim would examine whether the blasting operation directly caused the debris impact and resulting residential damage.

Potential damages could include:

- repair costs;
 - property damage claims;
 - temporary accommodation expenses;
 - personal injury claims if injuries occurred;
 - related economic losses.
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VI. Regulatory Considerations

A regulatory investigation would likely examine compliance with applicable Newfoundland and Labrador blasting, occupational health and safety, and construction requirements.

Areas of review could include:

Blast Planning and Execution

Including:

- approved blast plans;
- explosive quantities;
- drilling patterns;
- stemming methods;
- initiation systems;
- geological assessments.

Public Protection Measures

Including:

- blast exclusion zones;
- resident notifications;
- warning signals;
- access restrictions;
- monitoring of nearby structures.

Contractor Oversight

Including:

- qualifications of blasting personnel;
 - supervision procedures;
 - incident reporting;
 - corrective actions following the event.
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VII. Potential Parties of Interest

Depending on the facts, potentially responsible parties could include:

- Emera Maritime Link project owner;
- construction contractor;
- blasting contractor;
- licensed blasting personnel;
- project supervisors responsible for blast approval and safety management.

Responsibility would depend on contractual duties, operational control, and compliance with applicable safety requirements.

VIII. Potential Defences

Possible defences could include:

- the blast was conducted according to approved engineering procedures;
- reasonable safety precautions were implemented;
- unexpected geological conditions contributed to debris travel;
- the event resulted from an unforeseeable circumstance.

The strength of these defences would depend on technical evidence, investigation findings, and compliance records.

IX. Legal Significance

The Emera Maritime Link incident is significant because it involved:

1. **Construction blasting for a major infrastructure project**
2. **Flying debris reaching occupied residences**
3. **Property damage at distances of approximately 250 to 300 metres**

The incident highlights the legal and safety challenges associated with conducting blasting operations near residential communities, particularly where third-party property is located within potential blast impact zones.

X. Conclusion

The September 25, 2017 blasting incident associated with the Emera Maritime Link project resulted in flying debris damaging homes in Cape Ray located approximately 250 to 300 metres from the blast area.

The incident raises potential legal issues concerning:

- construction blast design;
- flyrock containment;
- residential protection measures;
- contractor responsibility;
- property damage liability.

A complete legal assessment would require additional information, including:

- official investigation reports;
- project and blasting contractor details;
- blast records;
- photographs and damage assessments;
- regulatory findings;
- insurance claims;
- any civil proceedings or settlements.

Based on the available facts, the event represents a significant infrastructure blasting incident involving off-site debris migration and damage to occupied residential properties.