



DEPARTMENT OF THE TREASURY  
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

MAY 08 2003

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[REDACTED]

Dear [REDACTED]

This is in response to your letter dated March 1, 2003, in which you requested information about the Safe Explosives Act of 2002 (the Act) and how it may affect pyrotechnic clubs.

In your letter, you state that the [REDACTED] [REDACTED] has a valid Federal explosives user permit and allows your members to set off display fireworks at club events. You further state that you allow your members to manufacture explosive materials under the club's permit onsite at two club events each year.

As you are probably aware, the Act was enacted on November 25, 2002. The Act, in part, requires all persons who receive explosive materials to possess a Federal explosives license or permit. The Act also, in part, requires all persons who are employees of a Federal explosives licensee or permittee and who will possess explosive materials during the course of their employment to submit identifying information to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for the purposes of conducting a background check.

[REDACTED]

As a fireworks club that holds a valid Federal explosives users permit, you may sponsor fireworks events at which volunteer club members may possess explosive materials while assisting in supervised shoots, so long as their assistance is under the direction or control of the club. Their assistance is only lawful under the following circumstances:

- a. The club must have lawfully received the fireworks pursuant to a valid Federal permit or license, the exception in section 845(a)(3), or other appropriate exception;
- b. An authorized club employee or responsible person receives and possesses the fireworks used in the show in the scope of his employment and on behalf of the club;
- c. The volunteer member's possession is under the direction or control of the authorized club employee or responsible person; and,
- d. The club has no knowledge that the volunteer member is a prohibited person.

The club may not, however, provide fireworks or other explosive materials to your volunteer members for their shooting events. If this were to occur, you may be distributing explosives in violation of Federal law and the members may be receiving explosives in violation of Federal law.

The volunteer members are not club employees or responsible persons and, as such, the club is not required to report them on an ATF F 5400.28, Employee Possessor Questionnaire. The volunteer club members are subject to the prohibited persons categories, however, and the club may not allow volunteer members who they know are prohibited persons to possess explosive materials.

The same restrictions and circumstances would apply to the manufacturing of explosive materials at a club-sponsored event. Additionally, the club must maintain the manufacturing records required by 27 CFR 555.123.

[REDACTED]

We trust that the foregoing has been responsive to your inquiry. Please feel free to contact Specialist [REDACTED] of the Public Safety Branch at 202-927-2310 if you have any additional questions.

Sincerely yours,



Carson Carroll  
Chief, Arson and Explosives  
Programs Division

c:

[REDACTED]

[REDACTED]

Chief, National Licensing Center  
Explosives Industry Analyst