



ATF Update

National Fireworks Association

Expo 2012
Joplin, Missouri



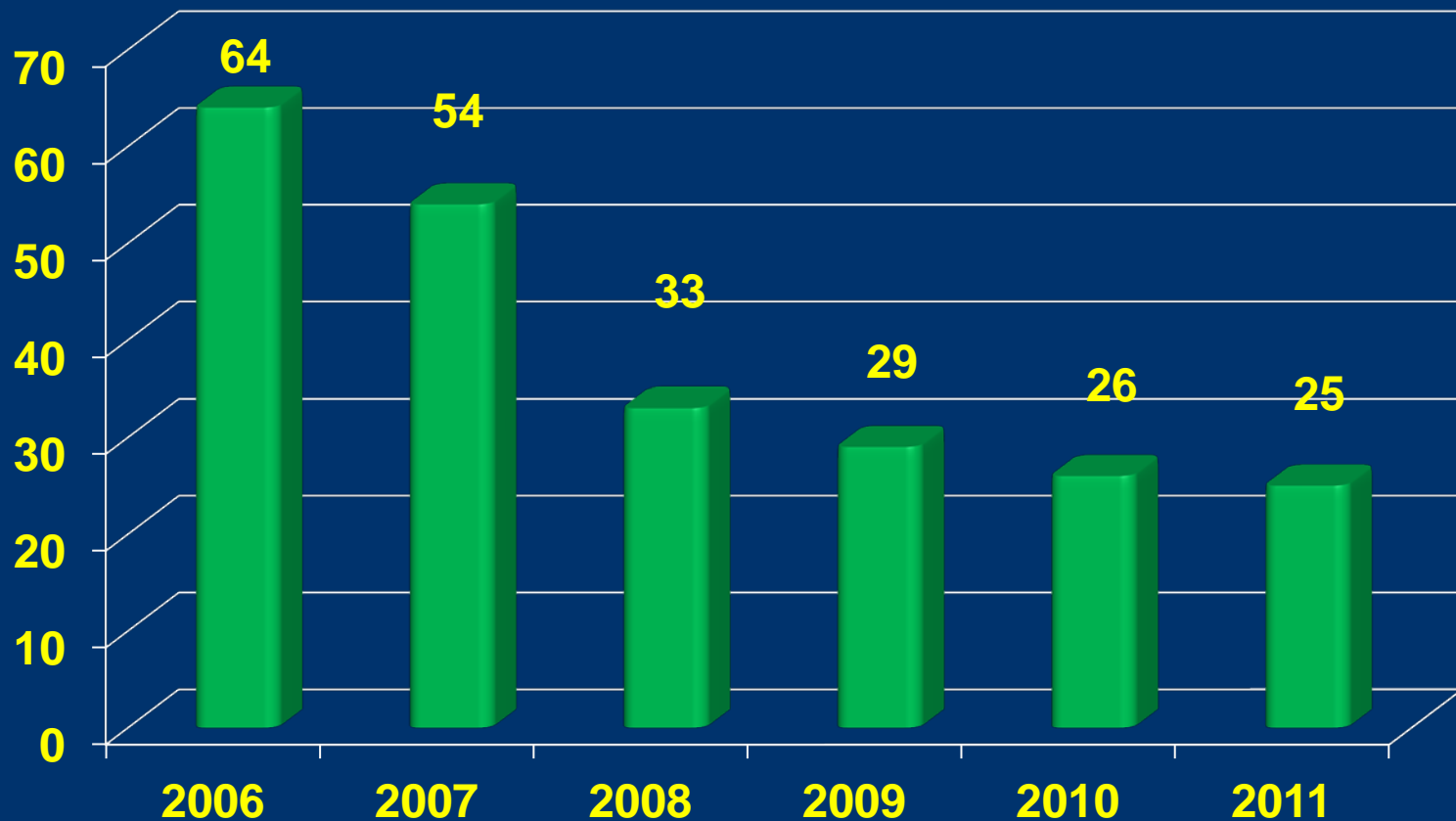
Agenda

- **UPDATES**
 - THEFTS
 - VIOLATIONS
 - RULINGS
 - FIREWORKS
- **STORAGE**
- **REFERENCES**
- **GOOD ADVICE**



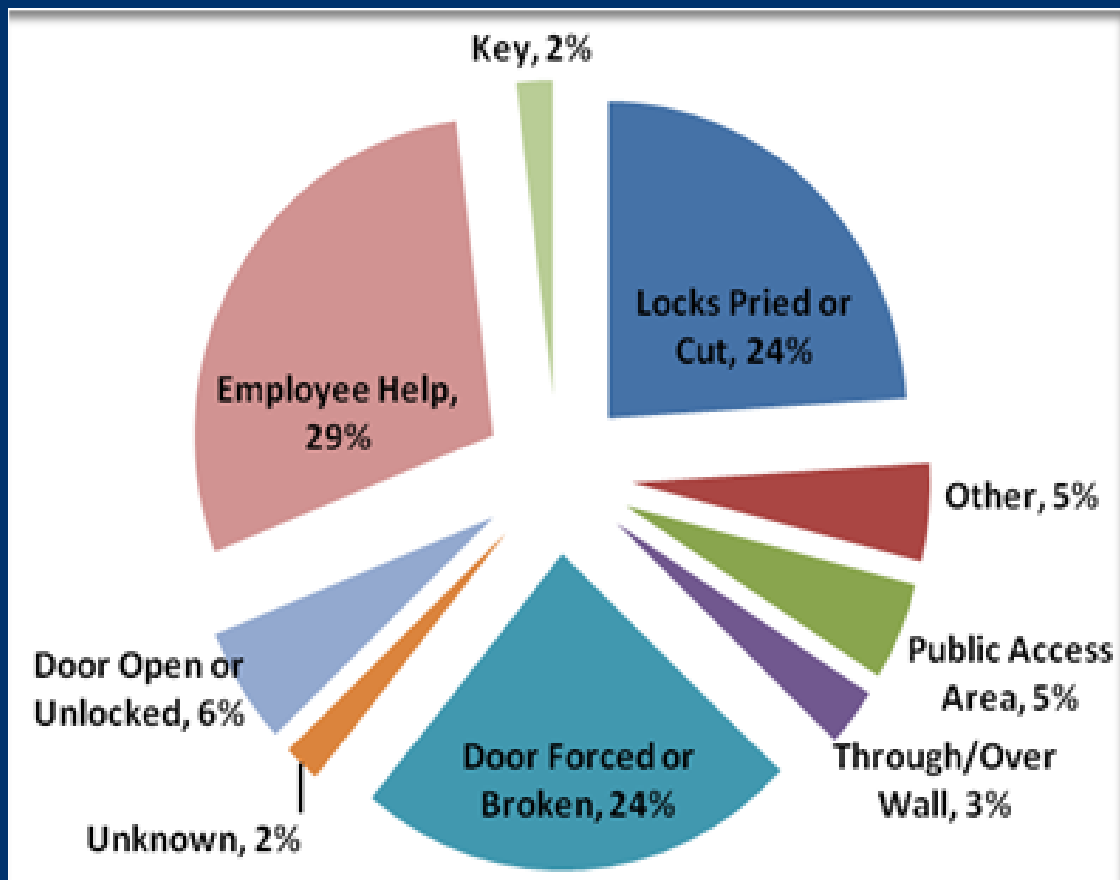
Thefts of Explosives

ATF U.S. Bomb Data Center





Thefts of Explosives



- Top three methods:
- Inside help (current or former employee involved)
 - Door forced/broken
 - Locks pried or cut



Theft or Loss of Explosives

- Must report theft or loss within 24 hours of discovery
- Contact ATF explosives theft hotline: 1-800-461-8841 or ATF 24-hour hotline: 1-800-800-3855
- Complete and submit ATF Form 5400.5, Report of Theft or Loss - Explosive Materials
- Contact local authorities
- Penalties for failure to report theft include fine and imprisonment
- Forthcoming updated form will capture more information that can be used to better evaluate theft trends

Contact the U.S. Bomb Data Center at 1-800-461-8841 or at USBDC@atf.govstaff for assistance with any questions regarding the reporting of theft or loss of explosive materials.



Suspicious Activity

- ATF encourages industry members to report suspicious activity, e.g. delivery vehicles being followed (voluntary—not a requirement)
- Notify ATF of attempted/actual magazine break-ins
- Call 1-888-ATF-BOMB
- Theft Advisory Checklist (April 19, 2011)
 - <http://www.atf.gov/press/releases/2011/04/041911-open-letter-to-all-explosive-industry-members.html>
- Immediately notify local authorities if witnessing criminal activity



Violations

MOST FREQUENTLY CITED EXPLOSIVES VIOLATIONS		YEAR	
		FY 2011	
Citation	Violation Description	No.	RANKING
27 CFR 555.127	Daily Summary of Magazine Transactions	351	1
27 CFR 555.125	Records Maintained by Permittees	142	2
27 CFR 555.215	Housekeeping	76	3



ATF Rulings

<http://www.atf.gov/regulations-rulings/rulings/>

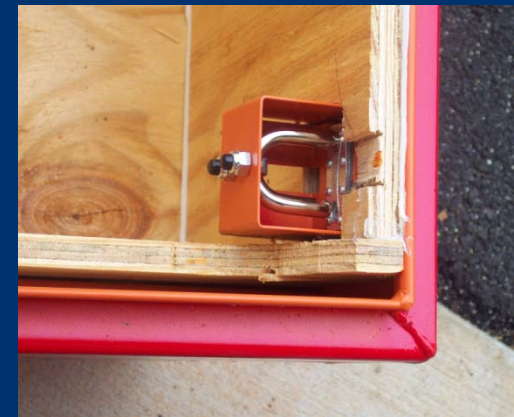
Do not need to obtain a separate variance





ATF Ruling 2011-3 Alternate Locks

- Approves the use of additional locks under certain conditions.
- “Puck locks” (Die-cast bodies not allowed — only hardened steel)
- Padlocks with boron-alloy shackles
- Recessed locks (Jobsite boxes must have two recessed padlocks)





ATF Ruling 2010-2

Explosives Label Visibility

- Explosives must be stored so marks are visible 555.214(b)
- Clarifies application of section to specific scenarios
 - ❖ *Pallets of like material*
 - ❖ *Rows stacked together*
- Proprietor may maintain a list of explosives in pallet or stacked group
- List must be updated when materials are removed
- IOI has discretion to count entire stack/pallet





ATF Ruling 2012-2 Fireworks Storage Bins

- 555.214(c): Containers of explosive materials must be closed while being stored.
- Bins = Containers
- All salutes in 1 bin = Bulk Salute container





ATF Ruling 2012-5

Type 4 Magazine Floors

- Regulations require that type 4 magazines have steel or fabricated metal exterior floors
- Ruling allows wooden floors on magazine exterior, provided:
 - Must be placed on gravel, concrete pad or skirted
 - If skirted, no vegetation or other materials capable of propagating flame may be under magazine





Display Fireworks Clarification

- Aerial shells containing more than 40 grams of pyrotechnic composition
- Salutes containing more than 130 milligrams of flash powder
- Weight limit for aerial shells does not include lift charge
- Open letter posted on website at <http://www.atf.gov/explosives/open-letters/>





Fireworks & Pyrotechnic Materials

- ATF Classification is not dependent on DOT classification (1.3 vs. 1.4)
 - ✓ Verify UN codes for exemption
- Stars, quickmatch, time fuse, igniters - commonly shipped as 1.4 but are ATF regulated items
- Aerial shells over 10-inch shipped as 1.1 but ATF considers them low explosive display fireworks





Exemption

Indian Agencies and Tribes

- Tribal Law and Order Act of 2010
- Authorized employees acting on behalf of agency or tribe
- Display Fireworks Materials only
- Does not exempt the manufacturing of fireworks
- Must still comply with storage requirements
- Must report theft or loss of explosives
- Open letter posted on website at [http://www.atf.gov/explosives/ open-letters/](http://www.atf.gov/explosives/open-letters/)



Storage

Applies to All Persons

- LOCKS
- HINGES/HASPS
- EXTERIOR
- INTERIOR

CONSTRUCTION



- CLEAN
- VOLATILE MATERIAL (no closer than 50 feet)
- DRY GRASS/BRUSH

HOUSEKEEPING



- INHABITED BUILDINGS
- PUBLIC HIGHWAYS
- PASSENGER RAILWAYS
- MAGAZINES

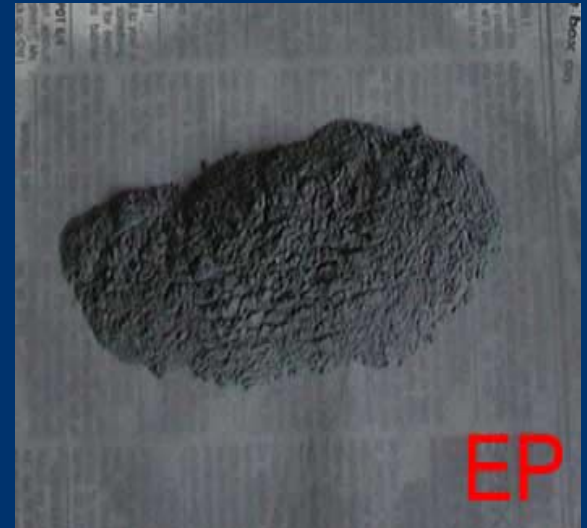
DISTANCES





Storage Requirements High Explosives

- Includes Flash Powder and Bulk Salutes
- Type 1 permanent magazine
- Type 2 mobile or portable magazine





Type 1 and 2 Magazines

- Bullet resistant
- Fire resistant
- Weather resistant
- Theft resistant
- Ventilated
- Distance requirements





Storage Requirements

Low Explosives

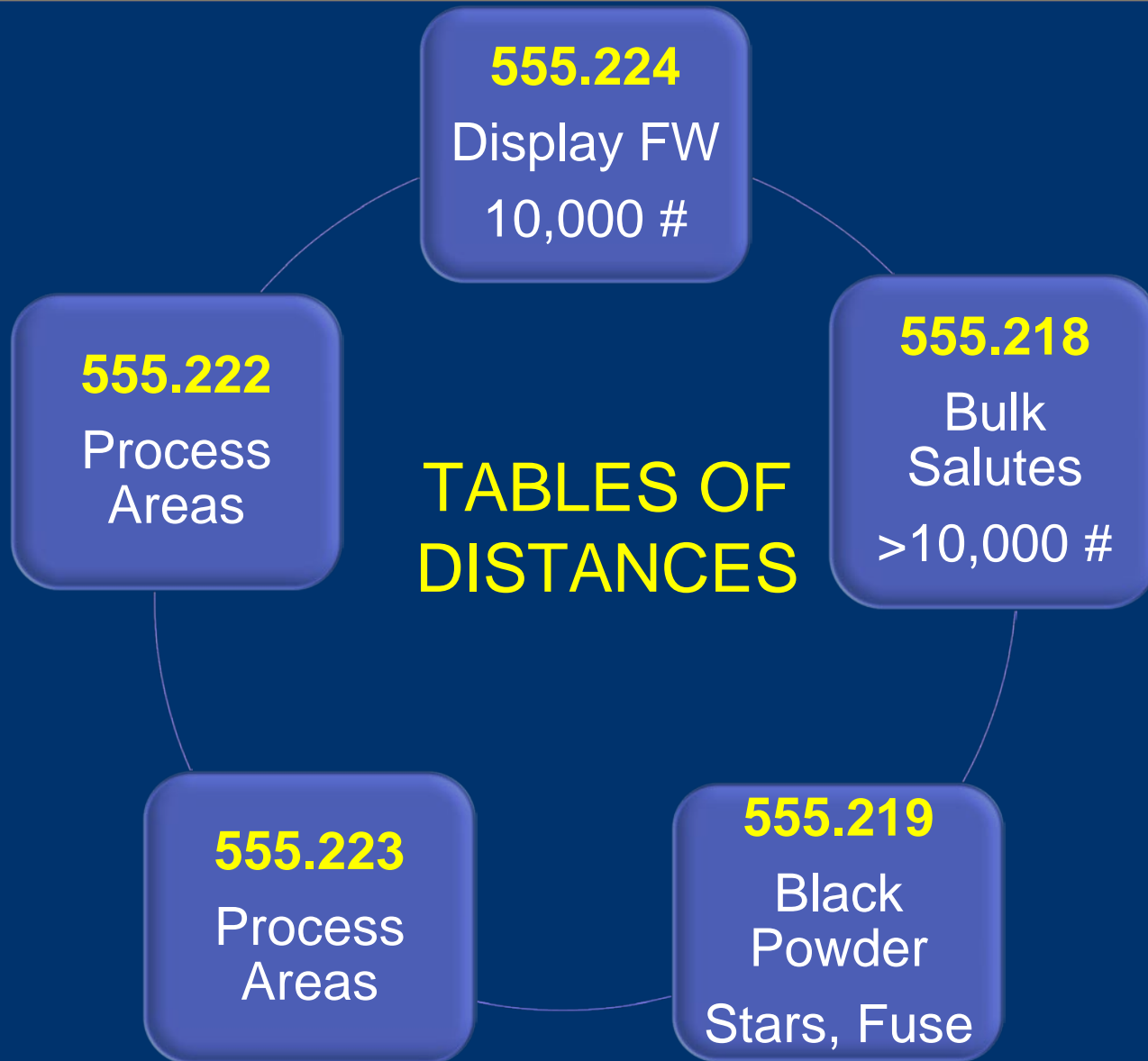
- Display fireworks (except flash powder and bulk salutes)
- Igniters, quickmatch, black powder, stars, etc.
- Type 4 permanent, mobile or portable magazine



Type 4 Magazines

- Fire resistant
- Weather resistant
- Theft resistant
- Two hooded padlocks
- Distance requirements







Magazines Inside Trailers and Containers

Portable Containers



NO VARIANCE REQUIRED

- Indoor magazine must meet construction requirements.
- No other explosives may be stored outside indoor magazine and within container/trailer.

- Mobile trailers require variance to store an indoor magazine within.
- (See June 2011 Newsletter)





Reminders...

You are required to:

- Conduct yearly physical inventory of all explosives on-hand (*record must be on file for inspection) (licensees/permittees)
- Visually inspect locks and magazines at least every seven days
- Notify the authority having jurisdiction for fire safety in the locality in which explosives are stored



References





Newsletter Information

- No longer distributed in “hard copy” format unless specifically requested
- To receive a copy by mail, write to the ATF Distribution Center
- Current and previous issues of the newsletter are available on-line at:
<http://www.atf.gov/explarson/newsletter/index.htm>

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives



ATF EXPLOSIVES Industry Newsletter

June 2010 Published Bi-Annually

What's in this issue

- Changes in Headquarters Personnel
- Change of Ownership versus Change of Control
- Storage of Shock Tube with Detonators
- ATF Ruling—Placement and Visibility of Containers in Magazines
- Inspecting Magazines
- Type-5 Locking Requirements
- Rubberized Lining in Type-3 and Type-4 Magazines
- Reviewing Variances
- Fireworks and Fires in the United States
- Theft Discovery and Reporting
- Orange Book Errata

New Appointments in Enforcement Programs and Services—Assistant Director and Deputy Assistant Director

Mr. Arthur Herbert was appointed as the Assistant Director for the Enforcement Programs and Services Directorate (EPS) in May 2010. Mr. Herbert began his career with ATF in 1976. He has served as the Director of Industry Operations for the Chicago, Washington and Baltimore Field Divisions and as Division Chief of the Alcohol and Tobacco Programs Division. Mr. Herbert was selected as Deputy Assistant Director of the Office of Public and Governmental Affairs in 2009 before his appointment in EPS. Mr. Herbert is responsible for directing the development of policy guidance, exercising oversight of program implementation and technical and enforcement support to firearms, explosives and arson, and alcohol and tobacco related mission functions.

Ms. Teresa Ficaretta was appointed as the Deputy Assistant Director for Enforcement Programs and Services in May 2010. Ms. Ficaretta joined ATF in 1982 as an attorney and became Deputy Chief Counsel for ATF in 2007. Ms. Ficaretta has been an invaluable asset to both our regulatory mission and our discussions with the explosives industry. Ms. Ficaretta replaces former Deputy Assistant Director Audrey Stucko who was appointed as Deputy Assistant Director for the Office of Training and Professional Development, effective May 2010.

The EPS Directorate and the Firearms and Explosives Industry Division welcome both Mr. Herbert and Ms. Ficaretta and look forward to a continued collaboration with the explosives industry.

Firearms & Explosives Industry Division (FEID)
Division Chief **Chad J. Yoder**
Deputy Division Chief **Debra Satkowiak**

Firearms Industry Programs Branch (FIPB)
Branch Chief **Adam Rogers**

Explosives Industry Programs Branch (EIPB)
Branch Chief **Vacant**

Firearms Technology Branch (FTB)
Branch Chief **John R. Spencer**

Visit ATF on the Web!
www.atf.gov

Working for a Sound and Safer America



Website Update Notices

www.atf.gov

- Updated website
- Receive email notices when new explosives information is posted to the ATF site

ATF Explosives Industry Newsletter



Receive FEL Newsletter Updates

Explosives Industry News



Receive Explosives Industry News Updates

ATF Open Letters and Important Interpretation Letters



Receive Open Letter Updates



Pamphlets



Hot off the press:

- Recordkeeping
- Storage
- DSMT
- Disaster Preparedness
- Self-Audit Guide

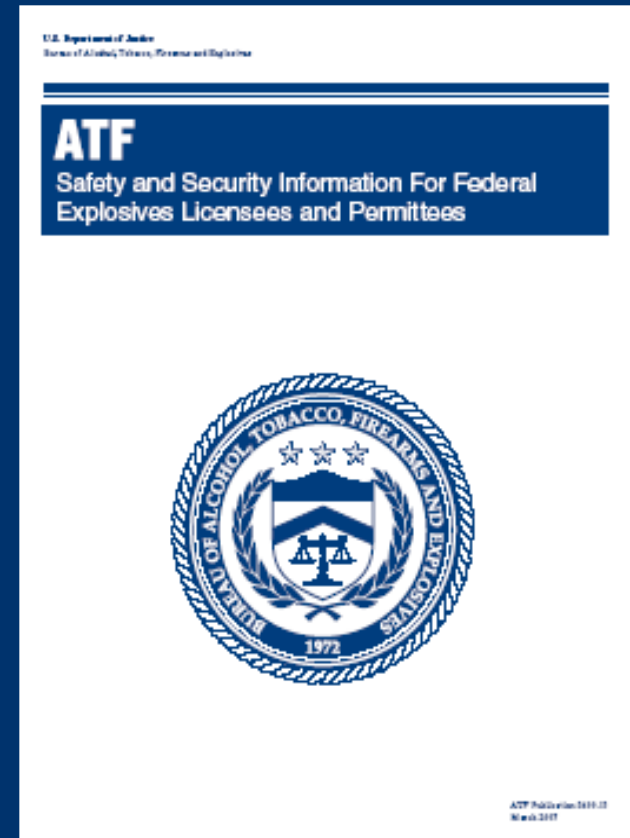
Available at <http://www.atf.gov/publications/explosives-arson/>



Safety and Security Booklet

ATF P 5400.15

- Developed with ISEE and IME
- Tips, techniques, and tools for properly securing explosive materials
- Contact information
- Sample explosive records
- Available at:
<http://www.atf.gov/publications/download/p/atf-p-5400-15.pdf>





Be Prepared for Inspection

- Ensure records are available for examination
- Expect that inventory and records examinations will be time-consuming and thorough
- Ensure that a knowledgeable (responsible) person is available to answer questions and provide assistance, if necessary
- If you have any questions on what to expect, ASK!



Suggestions

- Establish a contact within local ATF office
 - Call ATF before you have a problem
 - Invite ATF to conduct training
- Frequent inventory verifications
- Educate your employees/helpers about the regulations and rulings
- Organize records in separate files
- Review security at premises
 - Consider upgrading padlocks



Should I Get an ATF Permit?

- Limitations without permit:
 - May not receive any explosive materials for pyrotechnic uses
 - May not transport any explosive materials
 - Must store explosives properly
 - Exceptions: consumer fireworks, articles pyrotechnic, black powder for use in antique firearms...



Should I Get an ATF Permit?

- \$100 for 3 years; \$50 for 3-year renewals
- ATF visit for application/renewal
- Must keep proper records
- Must store explosives properly (but so must everybody else!)
- May purchase, receive, and transport explosives
- Use ATF as a resource



Industry Resources

- Local ATF field offices
www.atf.gov/field/index.htm
- Explosives Industry Programs Branch (EIPB)
EIPB e-mail address: EIPB@atf.gov
EIPB phone number: (202) 648-7120
- Federal Explosives Licensing Center (FELC)
FELC e-mail address: FELC@atf.gov
FELC phone number: (877) 283-3352
- ATF Twitter www.twitter.com/ATFHQ