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# Bureau of Alcohol, Tobacco, Firearms and Explosives

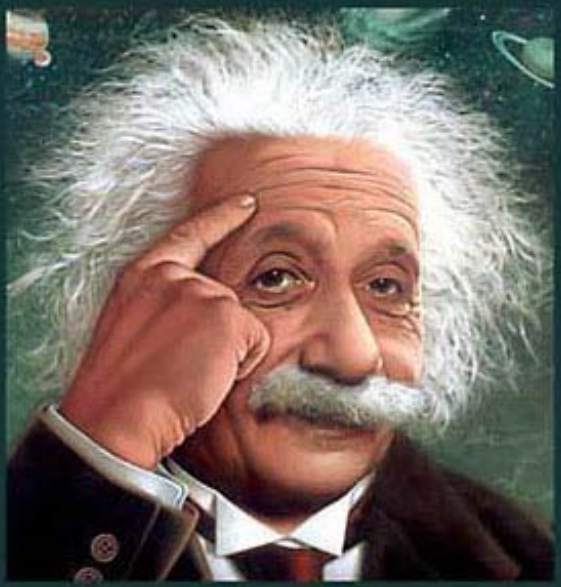
**AMERICAN PYROTECHNICS  
ASSOCIATION**

**BLUEGRASS, BUSINESS & BOOMS**

**LOUISVILLE, KENTUCKY**



# AGENDA



- **UPDATES**
  - THEFTS
  - VIOLATIONS
  - RULINGS
  - LICENSING
  - FIREWORKS
  - STORAGE
- **GOOD ADVICE**
- **REFERENCE MATERIAL**

NOTE: This outline was developed as a guideline for presentation by an ATF regulatory official. For regulatory requirements and guidelines, you should consult <http://www.atf.gov/publications/download/p/atf-p-5400-7.pdf> or contact your local ATF office: <http://www.atf.gov/field/>



# EIPB Duties

- Issue variances, determinations, exemptions (SED, PAD, reagents), approximately 400 letters annually
- Issue Rulings, Rulemakings
- Conduct special studies / projects
- Open letters / Interpretation Letters
- Explosives publications and newsletters
- Liaison with the industry to . . .
  - Identify areas of weakness and vulnerability in security
  - Ensure public safety with minimal disruption to the industry
  - Protect the general public from explosives accidents



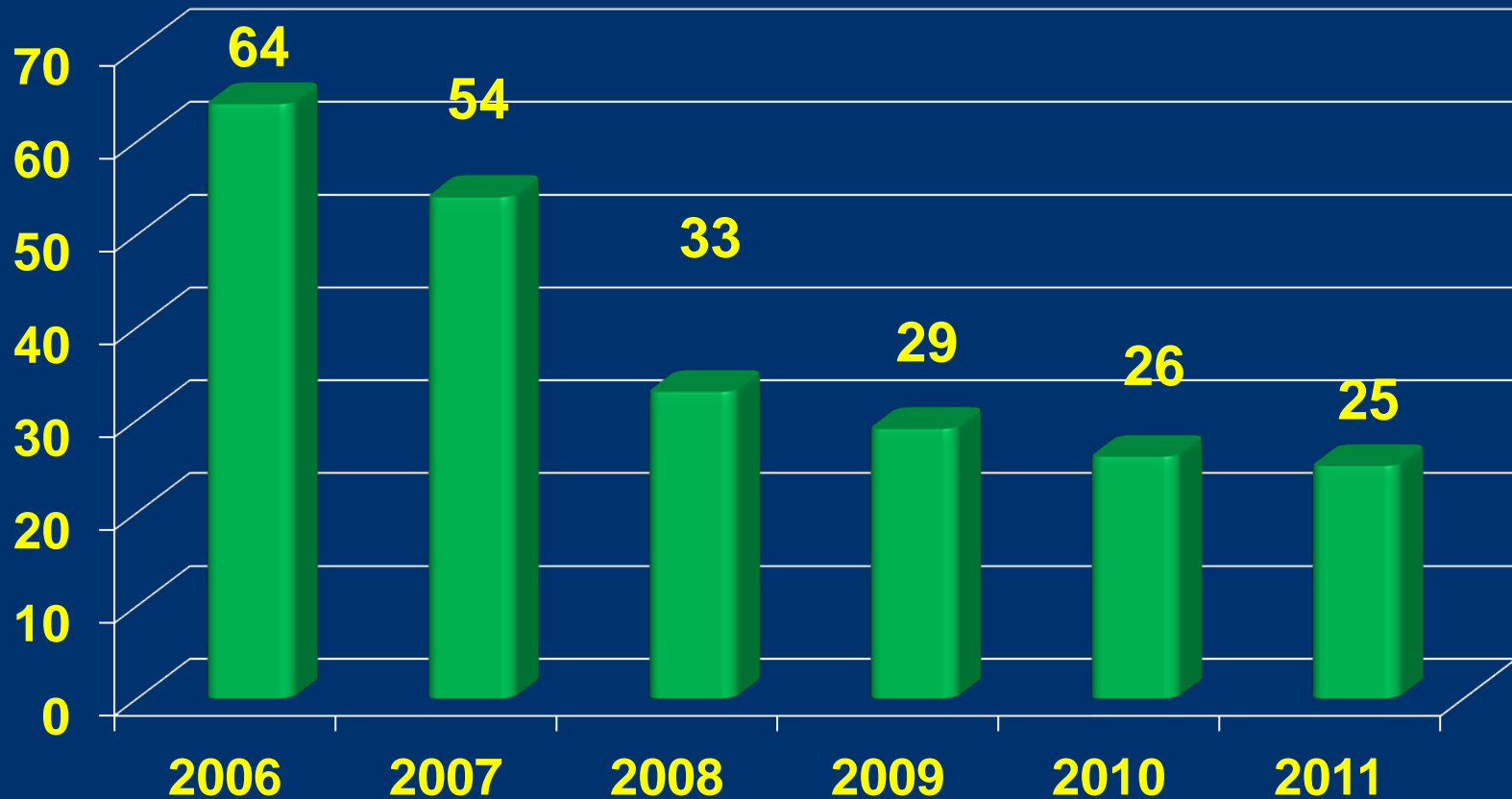
# Variance Requests

- Good cause must be shown for the use of the alternate method or procedure
- Must be consistent with the effect intended by the specifically prescribed method or procedure
- Must be substantially equivalent to that specifically prescribed method or procedure
- Must not be contrary to any provision of law
- May not result in an increase in cost to the Government
- Must not hinder the effective administration of Part 555



# Thefts of Explosives

Reported to ATF U.S. Bomb Data Center





# Theft or Loss of Explosives

- Report theft or loss within 24 hours of discovery
- Call ATF and submit Theft/Loss Report
- Notify local authorities
- Penalties for failure to report theft
- Updated form will be forthcoming
- Contact the U.S. Bomb Data Center at 1-800-461-8841 or at [USBDC@atf.gov](mailto:USBDC@atf.gov) for assistance with any questions regarding the reporting of theft or loss of explosive materials



# Suspicious Activity

- Notify ATF
  - e.g. (Attempted magazine break-ins, Delivery vehicles being followed.)
- 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		FY 2010		FY 2009	
Citation	Violation Description	No.	RANKING	No.	RANKING	No.	RANKING
27 CFR 555.127	Daily Summary of Magazine Transactions	351	1	365	1	517	1
27 CFR 555.125	Records Maintained by Permittees	142	2	125	2	135	2
27 CFR 555.215	Housekeeping	76	3	86	3	124	3





# ATF Rulings

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

Do not need to obtain a separate variance





# ATF Ruling 2012-5 Type 4 Wood Floors

555.210(a) requires exterior construction (including underside) to be masonry, metal-covered wood, fabricated metal or combination.

- Ground under magazine must consist of nonflammable material.
- All gaps between magazine and ground must be covered (e.g. gravel, metal skirting).
- Skirting and/or gravel must remain intact to prevent exposure or access to magazine underside.



Approved July, 2012



# ATF Ruling 2012-2 Fireworks Storage Bins

555.214(c) requires containers of explosive materials to be closed while stored.

- Bins are containers and therefore must be closed.
- If a bin contains all salutes the bin is considered a bulk salute container.

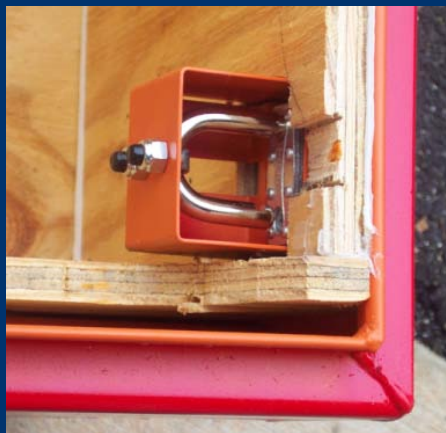


Approved  
May, 2012



# Ruling 2011-3, Alternate Locks

- Approves 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

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





# Licensing

Synchronizing multiple license expiration dates:

- Submit original licenses to FELC.
- Keep a copy on file
- Submit cover letter detailing the date requested.

Employee Possessors and Responsible Persons: The same individual can be listed on multiple licenses/permits.

- New form required for each FEL/FEP.
- Fingerprints and photo not required if already on file.





# Licensing

12. Application is made for an explosives license or permit under 18 U.S.C., Chapter 40, as an: *(See definitions 5 through 9)*

Explosives License	Fee	Renewal Fee	Explosives Permit	Fee	Renewal Fee
<b>Manufacturer</b> <i>(Check the types of explosives you plan to manufacture:)</i> <input type="checkbox"/> Dynamite <input type="checkbox"/> Cast Boosters <input type="checkbox"/> Detonators <input type="checkbox"/> Fireworks <input type="checkbox"/> Blasting Agents <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Black Powder	\$200	\$100	<b>User of Explosives</b> <i>(Check the types of explosives you plan to use:)</i> <input type="checkbox"/> Dynamite <input type="checkbox"/> Cast Boosters <input type="checkbox"/> Detonators <input type="checkbox"/> Fireworks <input type="checkbox"/> Blasting Agents <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Black Powder	\$100	\$50
<b>Importer</b> <i>(Check the types of explosives you plan to import:)</i> <input type="checkbox"/> Dynamite <input type="checkbox"/> Cast Boosters <input type="checkbox"/> Detonators <input type="checkbox"/> Fireworks <input type="checkbox"/> Blasting Agents <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Black Powder	\$200	\$100	<b>User (Limited) of Explosives</b> <i>(Check the types of explosives you plan to use:)</i> <input type="checkbox"/> Dynamite <input type="checkbox"/> Cast Boosters <input type="checkbox"/> Detonators <input type="checkbox"/> Fireworks <input type="checkbox"/> Blasting Agents <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Black Powder	\$ 75	
<b>Dealer</b> <i>(Check the types of explosives you plan to deal in:)</i> <input type="checkbox"/> Dynamite <input type="checkbox"/> Cast Boosters <input type="checkbox"/> Detonators <input type="checkbox"/> Fireworks <input type="checkbox"/> Blasting Agents <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Black Powder	\$200	\$100	<b>Limited Permit (Intrastate Only)</b> <i>(Check the types of explosives you plan to use:)</i> <input type="checkbox"/> Dynamite <input type="checkbox"/> Cast Boosters <input type="checkbox"/> Detonators <input type="checkbox"/> Fireworks <input type="checkbox"/> Blasting Agents <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Black Powder	\$ 25	\$ 12

Individual types of licenses/permits (e.g. Type 20, 21, etc) are no longer on the explosives application.



# 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 is posted on website







# Fireworks and 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 ATF regulated items.
- Aerial shells over 10-inch shipped as 1.1 but ATF considers them low explosive display fireworks.





# Bulk Salute Cakes

- 100% of the tubes must contain only salute effects to qualify as bulk salutes.
- External tails do not change the classification.
- A consumer shell placed inside a display cake tube does not change the classification





# 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 at: <http://www.atf.gov/press/releases/2011/04/040411-open-letter-exemption-of-tribal-display-materials.pdf>



# Discussion

- DSMT for packaged shows
- Records (computerized and remote locations)
- ATF Ruling 2007-2 (Temporary Storage)
- Contingency Storage
- Shared Storage
- Record exception at 555.123
- Chamber of Commerce transactions



# Indoor Magazines Inside Trailers and Containers



No other explosives may be stored outside the indoor magazine and within the container/trailer.

Mobile trailers require variance to store an indoor magazine within; portable containers do not.





# Are These Acceptable?



Hoods must be positioned to prevent the sawing or lever action on the locks, hasps, and staples.

The theft resistance of a hood will be determined on its diameter and depth.





# Are These Acceptable?



“Shrouded” padlocks (left) and disc padlocks (right) do not prevent the sawing or lever action on the locks, hasps or staples. Therefore, they must be protected with ¼-inch steel hoods



# Are These Acceptable?



The locks above (from a common container/trailer) are not in compliance. The right door (looking at magazine) is only locked with one padlock.

The photo below shows the best way to affix hoods/locks.







# 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!





# Good Advice

## Prioritize safety and security

- Take frequent inventories
- Review security at your premises
- Consider internal controls (key accountability, records review)
- Upgrade padlocks

## Develop a relationship with your local ATF office

- Educate them about your business
- Call if you have any questions or problems
- Invite ATF to talk with your employees about requirements and inspections

Think of inspections as opportunities for improvement

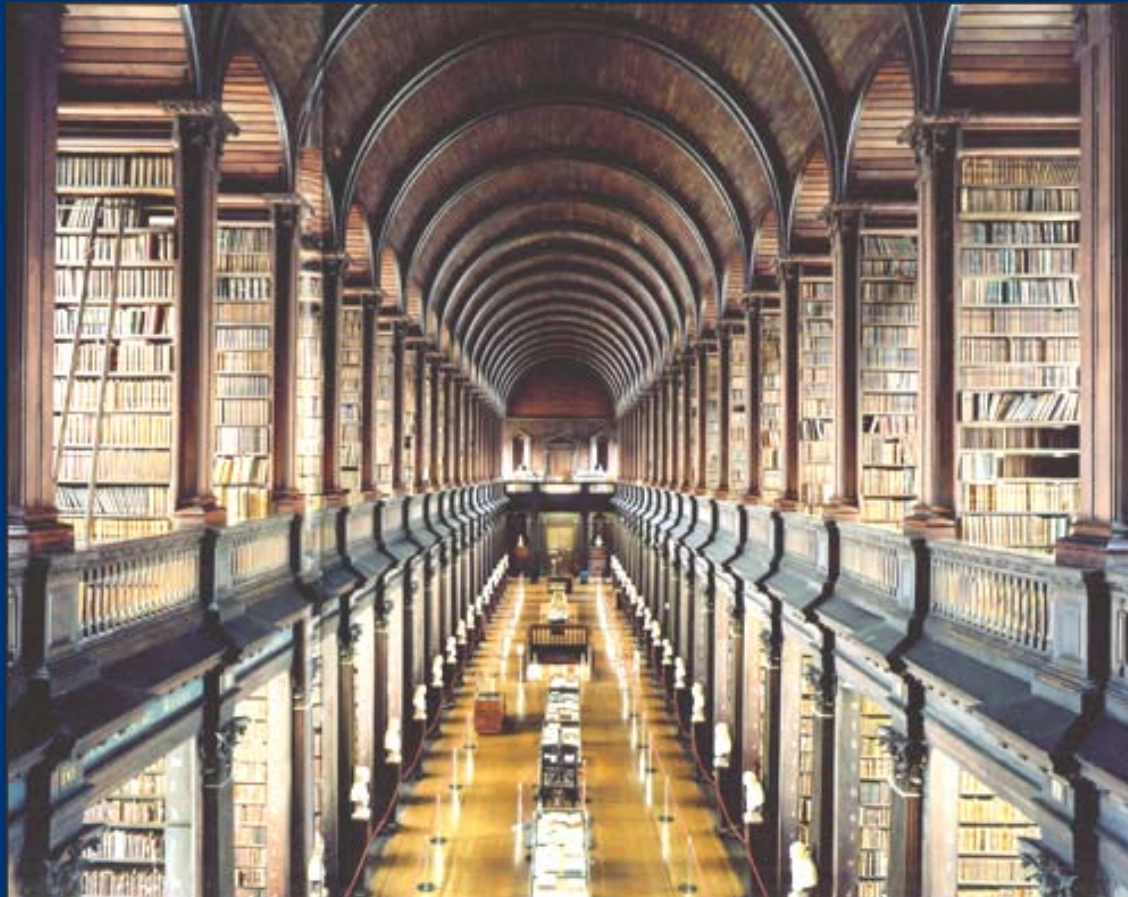


# Fireworks Hobbyists

- If transporting must have license/permit
- Everyone must comply with storage regulations
- User's Permit
  - 3 year renewal period
  - \$100 (1<sup>st</sup> 3 years) \$50 (Subsequent 3 years)
    - Avg. \$25/year for first 6 years



# REFERENCES





# Website Update Notices

- ATF website [www.atf.gov](http://www.atf.gov) E-mail updates feature
- Receive email notices when new explosives information is posted to the ATF site
- Subscribe by clicking on one of the links on the available web pages and completing the requested e-mail and preference information

\* ATF is now on Twitter!

## Arson and Explosives

### What's New



[Receive Arson & Explosives What's New Updates](#)

### Explosives Industry Programs Branch



[Receive Explosives Industry Updates](#)

### ATF Explosives Industry Newsletter



[Receive Explosives Industry Newsletter Updates](#)



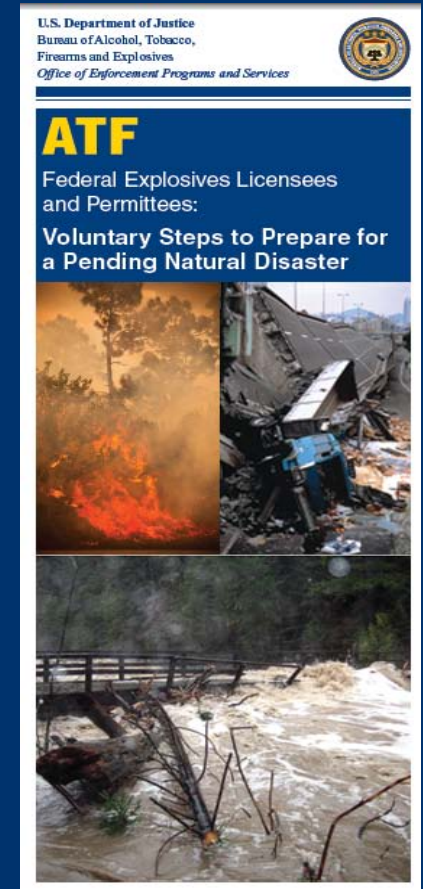
# Recent Publications

- Voluntary Steps to Prepare for a Pending Natural Disaster
- Magazine Construction Requirements
- DSMT Requirements
- Compliance Guidelines For Federal Explosives Licensees and Permittees

And Record Keeping Requirements for . . .

- Explosive Material Manufacturers
- Explosives Permittees / Limited Permittees
- Explosive Material Importers
- Dealers of Explosive Materials

View on-line at <http://www.atf.gov/publications/explosives-arson/>

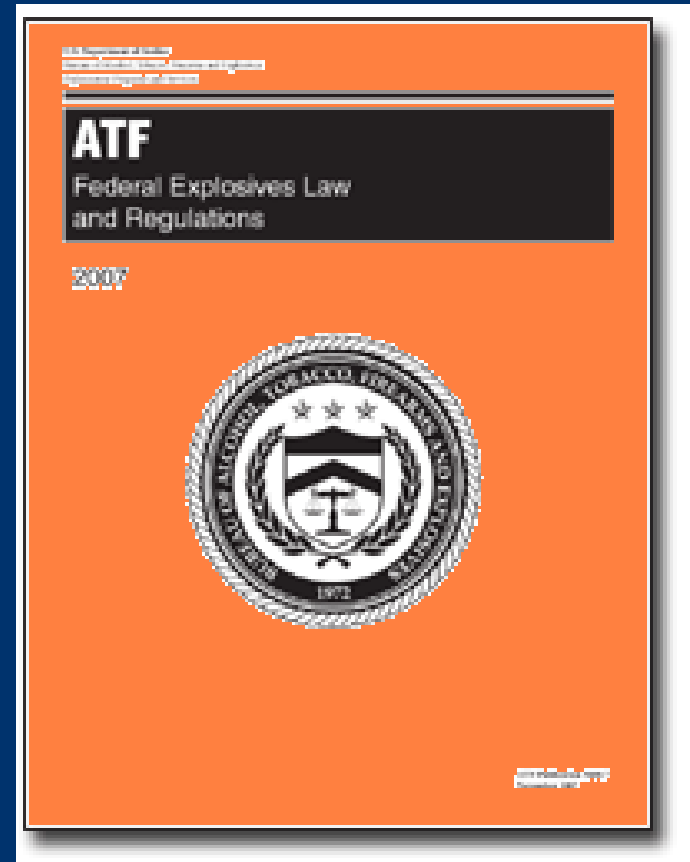






# Federal Explosives Law and Regulations

Republished in June 2012  
Updated rulings





# Newsletter Information

- Bi-annual Newsletter
- No longer distributed in “hard copy” format unless specifically requested from the ATF Distribution Center
- Current and previous issues are available on-line at <http://www.atf.gov/publications/newsletters/>
- Would you like a question or issue addressed in the next newsletter? Let us know at [eipb@atf.gov](mailto:eipb@atf.gov)

The image shows the cover of the ATF Explosives Industry Newsletter, December 2009 issue. The cover features the ATF logo and the title "ATF EXPLOSIVES Industry Newsletter". The main headline is "Carson W. Carroll, Assistant Director, Enforcement Programs and Services, Retires". Below this, there is a list of articles including "What's in this Issue", "Arson & Explosives Programs Division (AEPD) Division Chief", and "2009 IME Spring Meeting". The cover also includes a sidebar with contact information for the ATF website and a call to action: "Working for a Sound and Safer America".

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

## ATF EXPLOSIVES Industry Newsletter

December 2009 Published Bi-Annually

### What's in this Issue

Carson W. Carroll, Assistant Director, Enforcement Programs and Services, Retires  
2009 Institute of Makers of Explosives (IME) Spring Meeting  
2010 International Society of Explosives Engineers (ISEE) Conference  
Type-1 Ignition or "Army-type Structure" Explosives Investigations  
Dry Boxes  
Table of Distances and Barricades  
Recording Explosive Materials "Used" Inspection Violations  
Black Powder Blanks  
Deteriorated Explosives  
U.S. Department of Defense Exemption Application to Contractors  
Storage of Exempt Explosive Materials in Magazines  
Notice of Errata  
Orange Book Errata  
Licenses/Permits Population

### Carson W. Carroll, Assistant Director, Enforcement Programs and Services, Retires

After more than 22 years of Government service, Carson W. Carroll, the Assistant Director for Enforcement Programs and Services, retired on August 31, 2009. As Assistant Director, Mr. Carroll directed the development of policy guidance and oversight programs supporting ATF's explosives related mission functions.

Mr. Carroll joined the Bureau as a Criminal Investigator in 1987. During his career with ATF, he served as a Special Response Team Leader in the Los Angeles Field Division, the Special Agent in Charge for the Tactical Response Branch and Critical Incident Management Branch, and the Special Agent in Charge for the Seattle Field Division. Mr. Carroll became Chief of the Arson and Explosives Programs Division in 2002 before his appointment as Deputy Assistant Director for the Office of Field Operations in 2005. In June 2008, Carson W. Carroll was appointed Assistant Director for the Office of Enforcement Programs and Services.

During his tenure with ATF, Carson worked hard to ensure that ATF fairly and consistently enforced the regulations, sought to increase public safety, and provided guidance to the industry whenever possible. Carson's knowledge and experience will be missed and we thank him for his hard work and dedication to ATF.

### 2009 IME Spring Meeting

Arson and Explosives Programs Division (AEPD) Chief, Joe Ruhl, EIPB Chief Deb Sarkowski, and Industry Liaison Bill O'Brien participated in the Institute of Makers of Explosives (IME) Spring Meeting held in Lafayette, CA in May 2009. IME meetings afford

Arson & Explosives Programs Division (AEPD)  
Division Chief Joseph M. Ruhl  
Deputy Division Chief Gregory D. Plot  
Explosives Industry Programs Branch (EIPB)  
Branch Chief Debra Sarkowski  
Explosives Technology Branch  
Branch Chief Kenneth C. Coffey  
Arson and Explosives Enforcement Branch (AEEB)  
Branch Chief Gilbert C. Bartosh

Visit ATF on the Web!  
[www.atf.gov](http://www.atf.gov)

Working for a Sound and Safer America

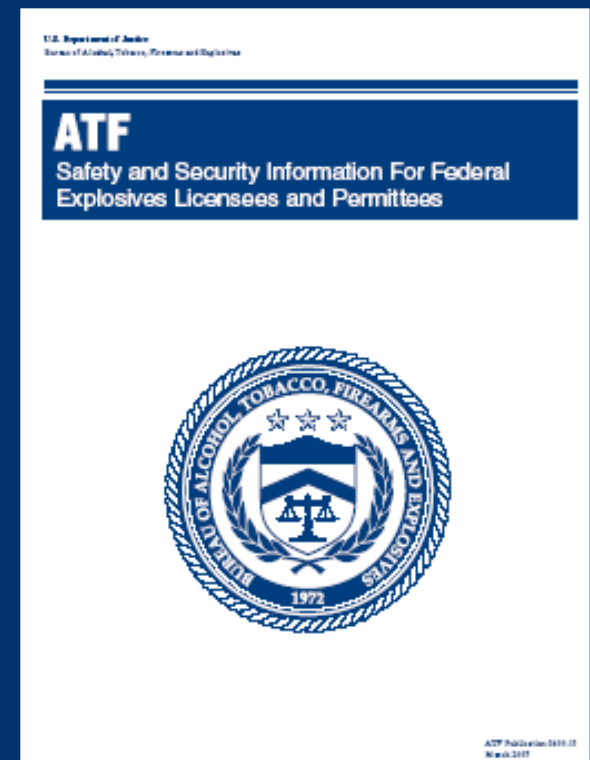




# Identifying areas of weakness and vulnerability in security . . .

## *Safety and Security Booklet*

- Produced in partnership with International Society of Explosives Engineers (ISEE) and the Institute of Makers of Explosives (IME).
- Provides industry members with useful tips, techniques, and tools for properly securing explosive materials.
- ATF hotlines and contact information.
- Available at [www.atf.gov/pub/fire-explo\\_pub/p540015.pdf](http://www.atf.gov/pub/fire-explo_pub/p540015.pdf)





# New on ATF Web Pages

- Binary Explosives at <http://www.atf.gov/explosives/how-to/binary-explosives.html>

When are they regulated?

Manufacturing, storage and licensing requirements.

- ATF 40<sup>th</sup> Anniversary Presentation at <http://www.atf.gov/explosives/industry/eipb-atf-anniversary-40.pdf>

ATF celebrates 40 years as a Bureau dedicated to protecting commerce in the explosives industry and public safety.



# Industry Resources

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