

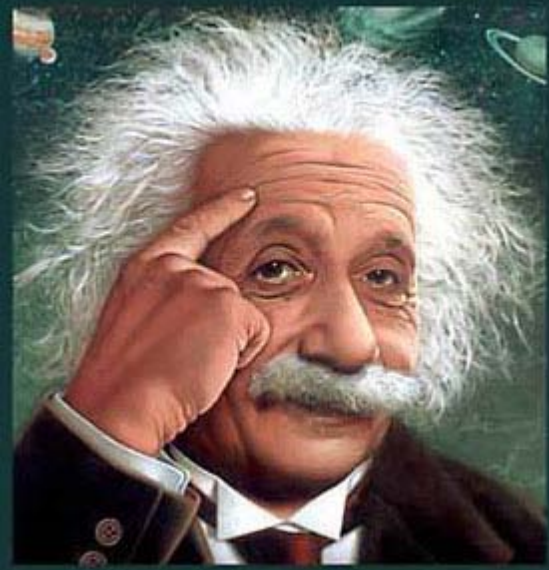


Bureau of Alcohol, Tobacco, Firearms & Explosives

AMERICAN PYROTECHNICS
ASSOCIATION
STARLIGHT – STARBRIGHT
SEATTLE 2011



AGENDA



- RULINGS
- CLARIFICATIONS
- UPDATES
- GOOD ADVICE
- REMINDERS

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/>



ATF Rulings

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

Do not need to obtain a separate variance under specific conditions





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

- 555.214(b) Explosives must be stored so marks are visible
- Ruling 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





ATF RULING 2007-2

TEMPORARY STORAGE OF FIREWORKS

- Display site or magazine site
- Storage compartment
 - Unhooded steel padlock
 - 5 tumblers
 - 3/8" case-hardened shackle





ATF RULING 2007-2

TEMPORARY STORAGE OF FIREWORKS

ATTENDED

- Authorized individual
 - Awake
 - Within 100' of the vehicle
 - Unobstructed view





ATF RULING 2007-2

TEMPORARY STORAGE OF FIREWORKS

- Local Fire Authority Notification
- ATF Notification
 - Must be in writing
 - Within 3 Federal business days

**MUST COMPLY WITH ALL OTHER PROVISIONS
INCLUDING TABLES OF DISTANCES**

Net weight of fireworks ¹ (pounds)	Distance between magazine and inhabited building, passenger railway, or public highway ^{3 4} (feet)	Distance between magazines ^{2 3} (feet)
0-1000	150	100
1,001-5,000	230	150
5,001-10,000	300	200
Above 10,000	Use Table § 55.218	





FIREWORKS STORAGE BINS

- 555.214(c): Containers of explosive materials must be closed while being stored.
- Bins = Containers
- Bulk Salutes
- Working on guidelines for uncovered bins - not yet approved.
- **Variance currently required** to store in uncovered bins.
- Bins that contain all salutes are considered bulk salute bins and therefore can only be in a type 1 or 2 magazine.





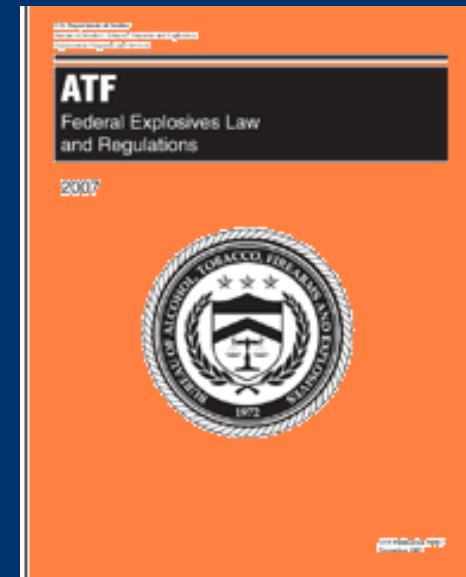
MAGAZINE FLOORS

- Regulations require that type 2 & 4 magazines have steel or fabricated metal exterior floors.
- Wooden floors on exterior of magazines - **currently requires a variance**
- Must be placed on gravel pad or skirted.
- Forthcoming ruling – Not yet approved





CLARIFICATIONS





Employee Possessors and Contractors

- What is an employee?
- Why does it matter?
 - EP requires background check
 - Acts on behalf of their employer
 - Contractor requires their own license or permit
 - Includes background check
 - Records for transfers
- ATF examining several factors
 - Based upon IRS publication 15-A



BULK SALUTES

“Salute components prior to final assembly into aerial shells, and finished salute shells held separately prior to being packed with other types of display fireworks.”

HIGH EXPLOSIVES (555.202)

- Aerial Shells: A case of aerial shells that is comprised of 100% salute shells. This would include a case of finale chains that are comprised of only salute shells.
- Cakes/Candles: 100% of the tubes must contain only salute effects to qualify as bulk salutes.
- Components/Inserts: A case comprised of only salute components or salute inserts pending further assembly into display fireworks.



BULK SALUTES



- The bulk salute determination is based on the individual case of fireworks.
- Shrink wrapped cases of salutes mixed with cases of non-salutes are still bulk salute cases.
 - Must be stored in a type 1 or 2 magazine.



HOOD CONFIGURATION

Are these okay?



- The theft resistance of a hood will be determined on its **diameter** and **depth**
- Must prevent sawing and lever action on locks, hasps, staples



“Shrouded” padlocks (left) and disc padlocks (below) do not prevent the sawing or lever action on the locks, hasps or staples

Must be protected with ¼-inch steel hoods





- Intended for use on trailers and sea containers.

- Do not require permanent changes to the containers.

- ATF determined these do not provide sufficient theft-resistance.

- Possible changes being made to their designs by the manufacturer.





LOCKS ON TYPE-4 TRAILERS



The locks above are not in compliance. The right door is locked with only 1 padlock. The lock on the left door isn't securing anything.

The locks below show the best way to affix hoods/locks.





INDOOR MAGAZINES INSIDE TRAILERS AND CONTAINERS

NO VARIANCE REQUIRED



MOBILE TRAILER . . .



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



DISPLAY FIREWORKS CLARIFICATION

- Display firework aerial shells contain more than 40 grams of pyrotechnic composition
- Display firework salutes contain more than 130 milligrams of flash powder
- Weight limit for aerial shells does not include lift charge
- Open letter forthcoming – clarifies that the lift charge is not included in the 40 grams of pyrotechnic composition.





Fireworks and Pyrotechnic Materials

- ATF classification of display fireworks, consumer fireworks, and articles pyrotechnics based on the UN codes
- ATF Classification not dependent on DOT classification (1.3 vs. 1.4)
- Stars, quickmatch, time fuse, igniters – ATF regulated items commonly shipped as 1.4.
- Aerial shells over 10-inch shipped as 1.1 but ATF considers them low explosive display fireworks which may be stored in a type 4 magazine.





555.218

10,000 #

555.224



Prior to placing an explosives magazine for display fireworks storage, you should ensure the magazine complies with the distances in 555.218 and 555.224.

If the net explosive weight goes below 10,000 pounds, you must use the distances in 555.224 even if the magazine was placed using the distances in 555.218 for the storage of over 10,000 pounds of display fireworks.



555.218

Quantity of Explosives		Distances in feet							
Pounds over	Pounds not over	Inhabited buildings		Public highways with traffic volume 3000 or fewer vehicles/day		Passenger railways-public highways with traffic volume more than 3,000 vehicles/day		Separation of magazines	
		Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded
7,000	8,000	800	1,600	250	500	600	1,200	72	144
8,000	9,000	835	1,670	255	510	624	1,248	75	150
9,000	10,000	865	1,730	260	520	645	1,290	78	156
10,000	12,000	875	1,750	270	540	687	1,374	82	164
12,000	14,000	885	1,770	275	550	723	1,446	87	174
14,000	16,000	900	1,800	280	560	756	1,512	90	180
16,000	18,000	940	1,880	285	570	786	1,572	94	188

555.224

(more restrictive for distances between magazines)

Net weight of fireworks ¹ (pounds)	Distance between magazine and inhabited building, passenger railway, or public highway ^{3 4} (feet)	Distance between magazines ^{2 3} (feet)
0-1000	150	100
1,001-5,000	230	150
5,001-10,000	300	200
Above 10,000	Use Table § 55.218	



UPDATES

DEPARTMENT OF THE TREASURY - BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

LICENSE/PERMIT (18 U.S.C. CHAPTER 40, EXPLOSIVES)

In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555) you may engage in the activity specified in this license/permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. See "WARNING" and "NOTICES" on back.

DIRECT ATF CORRESPONDENCE TO:	Christopher R. Reeves Chief, Federal Explosives Licensing Center (FELC) Bureau of Alcohol, Tobacco, Firearms and Explosives 244 Needy Road Martinsburg, West Virginia 25405 Telephone: 1-877-283-3352 Fax: 1-304-616-4401	LICENSE/ PERMIT NUMBER:	4-WV-001-20-2H-0000
		EXPIRATION DATE:	August 1, 2012

NAME: _____ **Premises Address** CHANGES? You must notify the FELC at least 10 days before the move.

TYPE OF LICENSE OR PERMIT
20-MANUFACTURER OF HIGH EXPLOSIVES

CHIEF, FEDERAL EXPLOSIVES LICENSING CENTER (FELC)

PURCHASING CERTIFICATION **Mailing Address** CHA

I certify that this is a true copy of a license/permit issued to me to engage in the activity specified.

(SIGNATURE OF LICENSEE/PERMITTEE)

The licensee/permittee named herein shall use a reproduction of this license/permit to assist a transferor of explosives to verify the identity and status of the licensee/permittee as provided in 27 CFR Part 555. The signature on each reproduction must be an ORIGINAL signature.

ATF F 5400.14/5400.15, Part 1 (B/89)

U.S. Department of Justice
Bureau of Alcohol, Tobacco,
Firearms and Explosives
Office of Enforcement Programs and Services



ATF

Federal Explosives Licensees
and Permittees:

**Voluntary Steps to Prepare for
a Pending Natural Disaster**



Explosives Industry Newsletter

[Receive FEL Newsletter Updates](#)

- ▶ [June 2011](#)
- ▶ [December 2010](#)
- ▶ [June 2010](#)
- ▶ [December 2009](#)
- ▶ [June 2009](#)
- ▶ [September 2008](#)
- ▶ [September 2006](#)





EXEMPTIONS

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
- Still must comply with storage requirements
- Must report theft or loss of explosives
- ATF open letter detailing this exemption can be found at:
<http://www.atf.gov/press/releases/2011/04/040411-open-letter-exemption-of-tribal-display-materials.pdf>



VIOLATIONS

MOST FREQUENTLY CITED EXPLOSIVES VIOLATIONS		YEAR					
		FY 2010		FY 2009		FY 2008	
Citation	Violation Description	No.	RANKING	No.	RANKING	No.	RANKING
27 CFR 555.127	Daily Summary of Magazine Transactions	365	1	517	1	384	1
27 CFR 555.125	House Keeping Guidelines	125	2	135	2	107	3
27 CFR 555.215	Records Maintained by Permittees	86	3	124	3	114	2



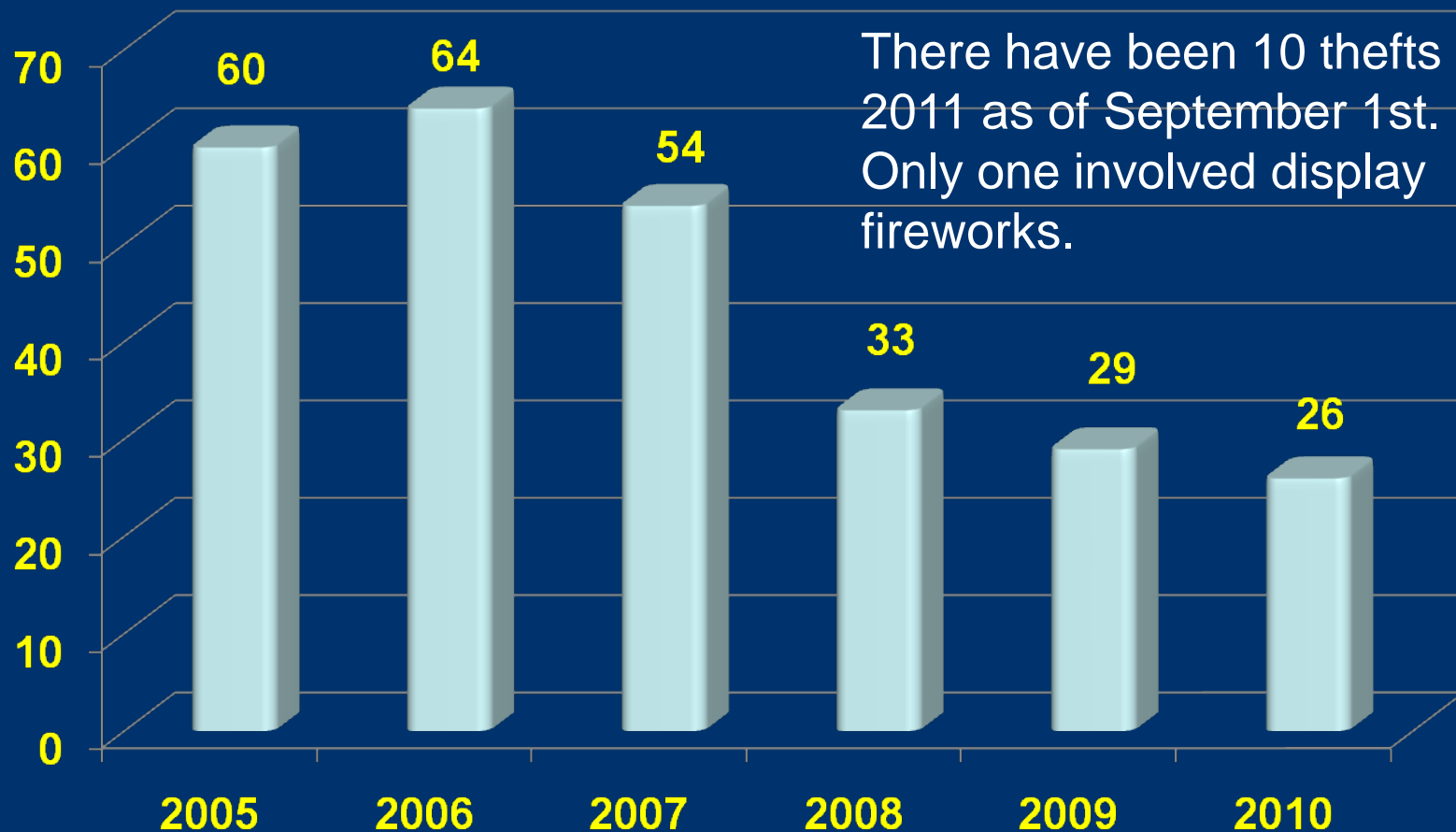
TRACEABILITY ISSUES

- Daily Summary of Magazine Transactions
 - Explosives Materials removed from magazine
 - Explosives Materials received into magazine
 - Daily total of all products
- Must account for each shell, cake, candle, igniter, etc.
- Includes returns, misfires, duds, etc.



Thefts of Explosives

ATF U.S. Bomb Data Center




There have been 10 thefts in 2011 as of September 1st. Only one involved display fireworks.



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
- Sign up to receive email notices when new explosives information is posted to the ATF website

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](#) 



FILLABLE FORMS

<http://www.atf.gov/forms/explosives/>

- Employee Possessor Form
- Theft or Loss Report
- Restoration of Explosives Privileges
- Application for License
- Renewal of License or Permit (down the road)
- Can't be submitted online



Federal Explosive Law and Regulations

- Recent printings of the “Orange book” had error. Misprints show that shackle must be “a-inch” diameter. Regulations actually require shackles only 3/8-inch thick.
- Corrected version online at <http://www.atf.gov/publications/download/p/atf-p-5400-7.pdf>

locking devices or other methods approved by the Director.

(2) **Exterior construction.** The exterior and doors are to be constructed of not less than ¼-inch steel and lined with at least two inches of hardwood. Magazines with top openings will have lids with water-resistant seals or which overlap the sides by at least one inch when in a closed position.

(3) **Hinges and hasps.** Hinges and hasps are to be attached to doors by welding, riveting, or bolting (nuts on inside of door). Hinges and hasps must be installed so that they cannot be removed when the doors are closed and locked.

(4) **Locks.** Each door is to be equipped with (i) two mortise locks; (ii) two padlocks fastened in separate hasps and staples; (iii) a combination of a mortise lock and a padlock; (iv) a mortise lock that requires two keys to open; or (v) a three-point lock. Padlocks must have at least five tumblers and a case-hardened shackle of at least a-inch diameter. Padlocks must be protected with not less than ¼-inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.



GOOD ADVICE





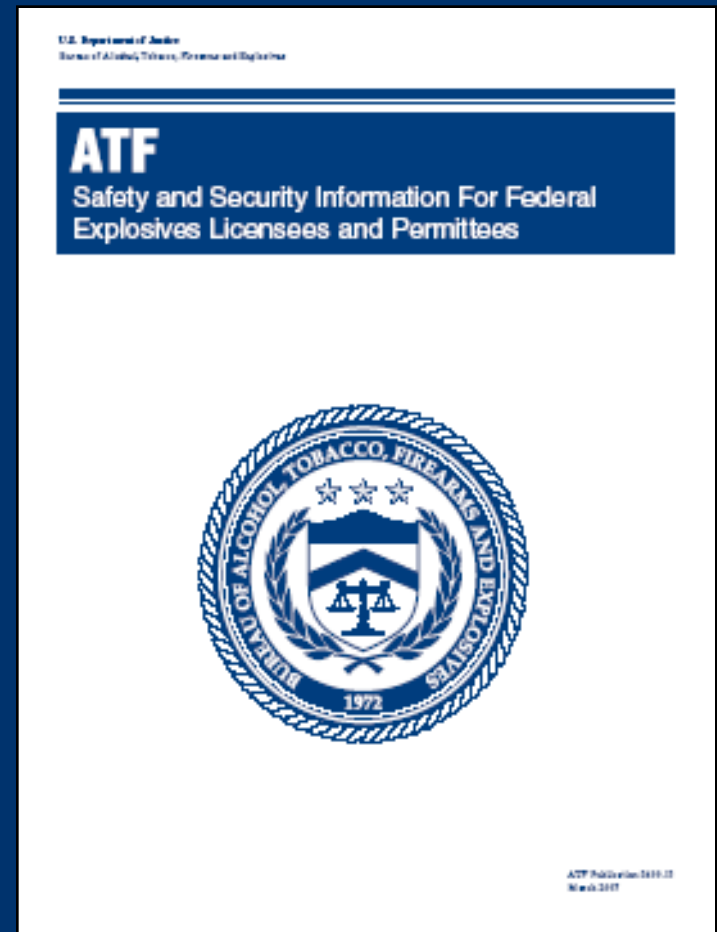
FIREWORKS HOBBYISTS

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



Safety and Security Booklet, ATF P 5400.15

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





SUGGESTIONS

- Establish contact with the local ATF office.
- Call ATF before you have a problem.
- Frequent inventory verifications.
- Educate your employees about the regulations and rulings.
- Organize records in separate files.
- Review security at premises.



Reminders...

You are required to:

- Conduct yearly physical inventory of all explosives on-hand (*record must be on file for inspection)
- 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



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

Please report suspicious activity (1-888-ATF-BOMB)



Industry Resources

- [WWW.ATF.GOV](http://www.atf.gov)
- Local ATF field offices:
<http://www.atf.gov/field/>
- Explosives Industry Programs Branch (EIPB)
 - EIPB e-mail address: EIPB@atf.gov
 - EIPB phone number: (202) 648-7120