



# Bureau of Alcohol, Tobacco, Firearms & Explosives

PGI 2011 Convention  
“Rhapsody on the Red”  
Fargo, North Dakota  
August 6-12, 2011



# AGENDA

- Reminders
- Rulings
- Updates
- Good Advice

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/>



# STORAGE

## APPLIES TO ALL PERSONS

- LOCKS
- HINGES/HASPS
- EXTERIOR
- INTERIOR

**CONSTRUCTION**



- CLEAN
- VOLATILE MATERIAL
- DRY GRASS/BRUSH

**HOUSEKEEPING**



- INHABITED BUILDINGS
- PUBLIC HIGHWAYS
- PASSENGER RAILWAYS
- MAGAZINES

**DISTANCES**



NEW MAGAZINES?

OFF SITE?



# 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.



# BULK SALUTES (555.11)

“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.”

- **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 Cont.

- External tails on firework shells do not affect their bulk salute classification.
  - ❖ *A case of 3-inch bulk salutes w/ tails would be considered a bulk salute case and required to be stored in a type 1 or 2.*
  - ❖ *Shells that have a salute and another effect within the same shell (e.g. 3-inch blue peony with salute) are not bulk salutes.*



# DISPLAY FIREWORKS and PYROTECHNIC MATERIAL

- Defined in ATF regulations
- Is not dependent on DOT classification (1.3 vs. 1.4)





# Consumer Fireworks

- Common Fireworks, Class “C” fireworks
- UN0336, UN0337
- 1.4G
- Regulated by CPSC
- ATF regulates the manufacture





# Storage Requirements

## Low Explosives

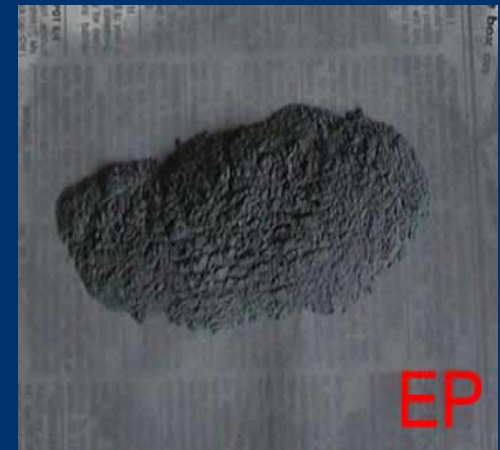
- Display fireworks (except flash powder and bulk salutes)
- Igniters, quickmatch, black powder, stars, etc
- Type 4 permanent, mobile or portable magazine

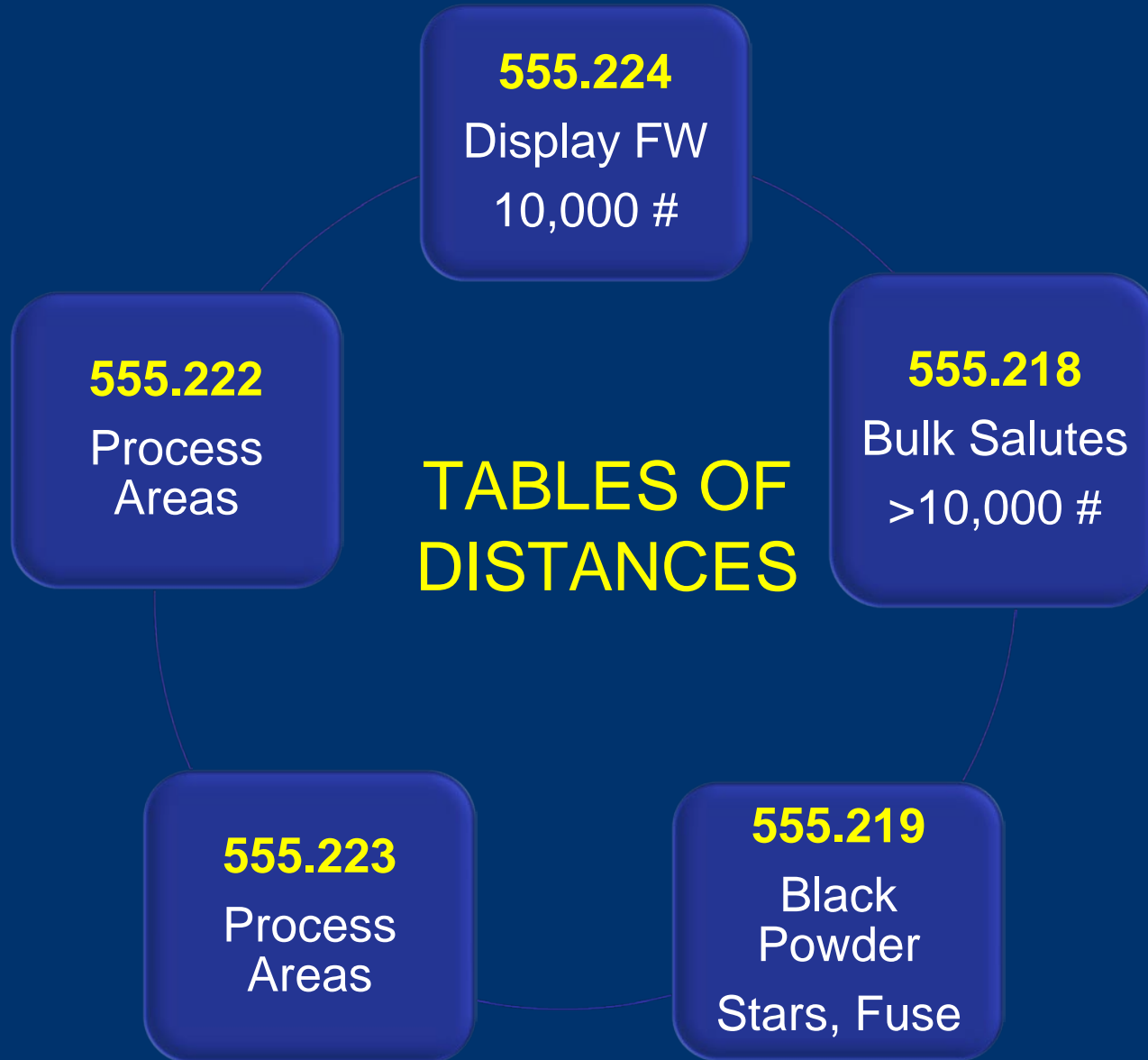


# Storage Requirements

## High Explosives

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







# Tables of Distances – Important Terms

- Inhabited building
- (Public) highway
- (Passenger) railway
- Fireworks process building
- Fireworks non-process building
- Fireworks shipping building
- Fireworks plant warehouse
- Fireworks mixing building



# Tables of Distances – Important Terms

- **FIREWORKS PROCESS BUILDING:** Any mixing building; any building in which pyrotechnic compositions or explosive materials is pressed or otherwise prepared for finished and assembly; or any finishing or assembly building.
- **FIREWORKS MIXING BUILDING:** Any building or area used for mixing and blending pyrotechnic compositions except wet sparkler mix.



# BLACK POWDER

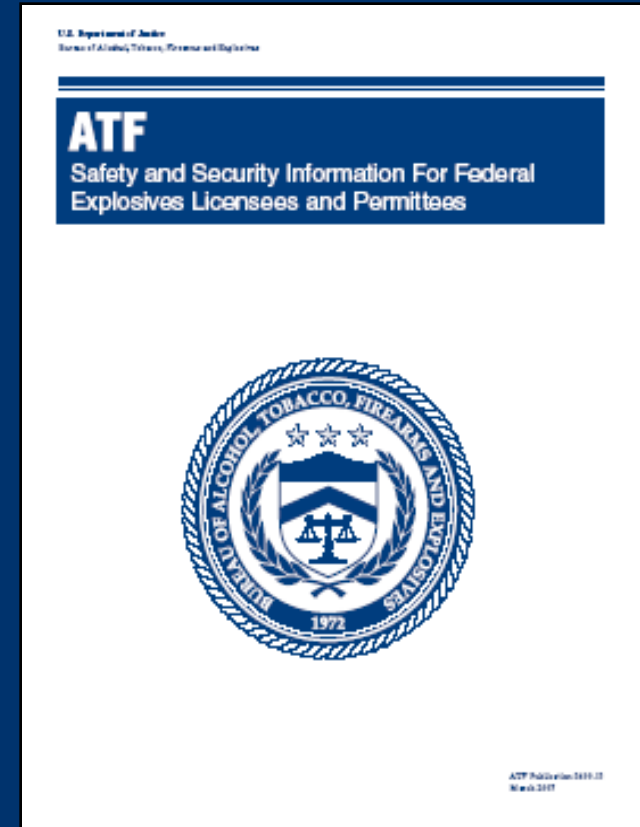
- 27 CFR 555.141(b) exempts 50 pounds or less of commercially manufactured black powder for use in antique firearms/devices.
- Purchasing any amount of black powder for use in fireworks requires a FEL/FEP.
- No manufacturer's license if manufacturing for own personal, non-business use.
- Persons possessing black powder for fireworks must store per regulations.
- Must possess a Federal explosives license or permit to transport black powder.



# Safety and Security Booklet

## ATF P 5400.15

- Tips, techniques, and tools for properly securing explosive materials-voluntary
- Contact information
- Sample explosive records
- Something suspicious?



**Call the US Bomb Data Center: 800-461-8841**



# INTERNAL CONTROLS

- Security checklist - list of internal controls to consider
- Proprietor is welcome to provide feedback regarding measures on checklist, or items that should be added to the list
- Review the regulations



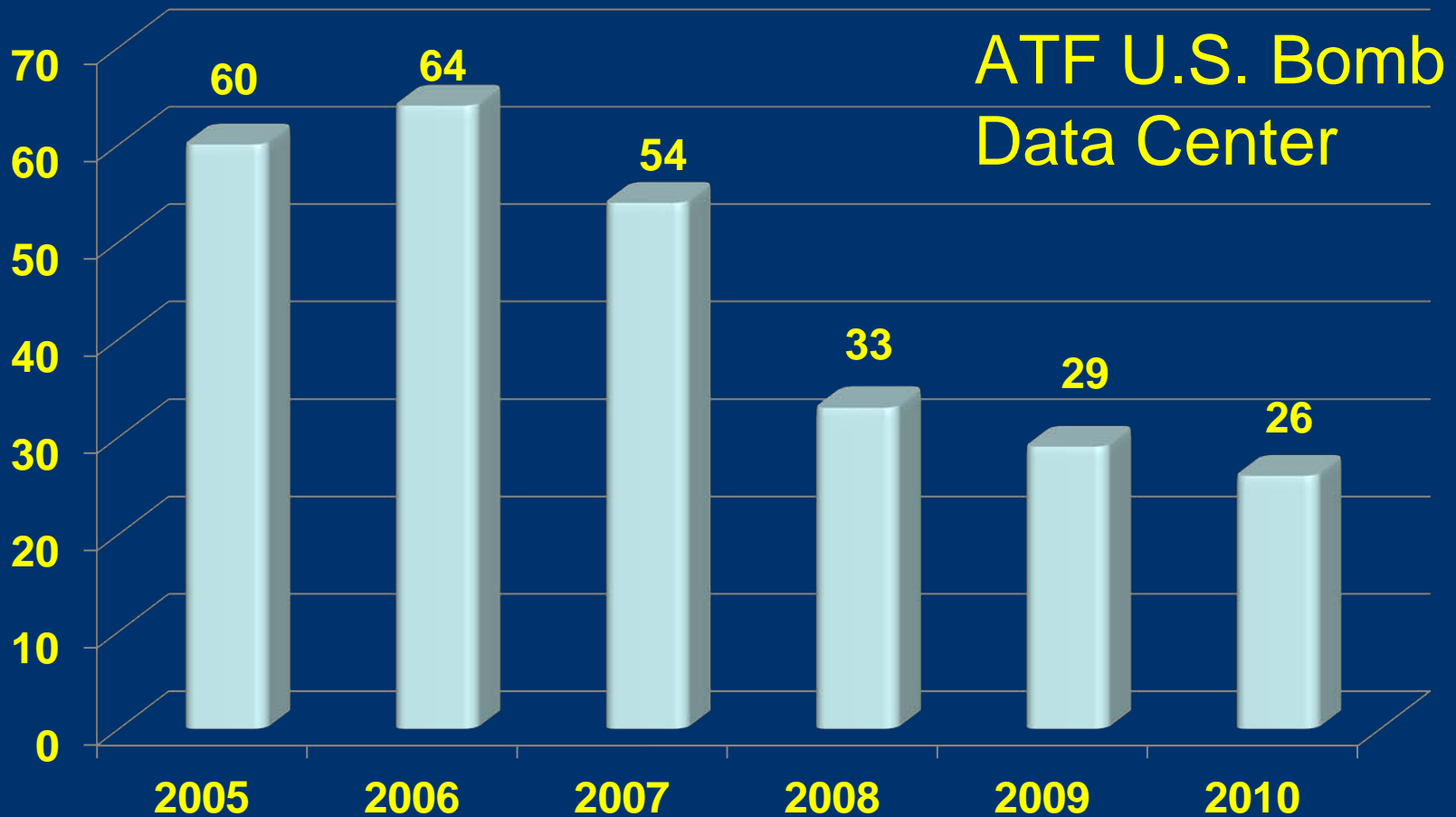
# Theft or Loss

- Contact ATF 24-hour hotline: 1-800-800-3855
- US Bomb Data Center: 1-800-461-8841
- [USBDC@atf.gov](mailto:USBDC@atf.gov)
- Must be reported within 24 hours of discovery of **theft or loss**
- Complete and submit Form 5400.5
- Penalties for failure to report theft include a \$10,000 fine, imprisonment for not more than 5 years, or both
- Contact local authorities



# Thefts of Explosives

## 2005 thru 2010





# 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

- Analysis of lock types, function and construction
- Describes locks substantively meeting security levels of regulations
- Hockey puck (Die-cast bodies not acceptable—only hardened steel), recessed padlocks, boron alloy shackles
- Effective June 23, 2011





# HOCKEY PUCK LOCKS



- No die-cast hockey puck locks.
- Hardened steel locks are acceptable.





# RECESSED LOCKS



- Lids must be secured with 2 recessed padlocks that have at least 5 tumblers and a case-hardened steel or boron alloy shackle of at least 3/8" diameter.
- Lock shackles must be securely affixed to the interior staples so the padlocks cannot be removed without gaining access to magazine interior.
- Recessed lock housing small enough to prevent sawing, levering or prying action on locks.





# 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





# 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 <sup>1</sup> (pounds)	Distance between magazine and inhabited building, passenger railway, or public highway <sup>3 4</sup> (feet)	Distance between magazines <sup>2 3</sup> (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 BIN STORAGE (Ruling in Progress)

**555.214(c): Containers of explosive materials must be closed while being stored.**

**Bins = Containers**

**BULK SALUTES: A bin with all bulk salutes must be in a Type 1 or Type 2 magazine .**

**CURRENTLY REQUIRES A VARIANCE**





# MAGAZINE FLOORS (Ruling in Progress)

- Forthcoming ruling
- Variances are still necessary
- Wooden floors on exterior of magazines
- Must be placed on gravel pad or skirted.



**CURRENTLY REQUIRES A VARIANCE**



# 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:	<b>4-WV-001-20-2H-0000</b>
		EXPIRATION DATE:	<b>August 1, 2012</b>

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)

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**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/PERMITEE)

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/09)

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](#)





# LICENSING

- Verify Employee Possessors and Responsible Persons-notice of clearance
- Properly licensed? Manufacturing? Importing?
- Changes in business structure verification with State licensing

EP must submit:

EP Questionnaire

No fingerprint cards or photos

RP must submit:

Basic information

Photograph

Fingerprints

License - \$200/\$100

Permit - \$100/\$50

Limited Permit - \$25/\$12



# Simplified License and Permit Structure

- New renewal application  
(Still in approval process)
- Streamlines the types of licenses and permits:
  - Manufacturer
  - Importer
  - Dealer
  - User, Limited Permit, User Limited (one time use)
- Types of explosives used will be tracked internally
- No changes needed until renewal time



# Website Update Notices

- [www.atf.gov](http://www.atf.gov)
- Watch ATF videos on YouTube
- iPhone/iPod app:  
<http://itunes.apple.com/us/app/atf/id408467237?mt=8>
- Subscribe to receive email notices when new explosives information is posted to the ATF site

## Arson and Explosives

### What's New



[Receive US Bomb Data Center Updates](#)

### Explosives Industry Programs Branch



[Receive Explosives Industry News Updates](#)

### ATF Explosives Industry Newsletter



[Receive FEL Newsletter Updates](#)



# Newsletter Information

- No longer distributed in “hard copy” format unless specifically requested
- New email update service to notify subscribers when a new newsletter is posted to the ATF site
- Most recent newsletter June 2011
- Current and previous newsletter issues 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 2011 Published Bi-Annually

**What's in this issue**  
New Web Pages and Publication  
Display Fireworks Materials Exemption for Federally Recognized Indian Tribes  
Fireworks and Black Powder  
ATF Ruling 2011-2 Storage in Type 5 Bins and Sites  
Mortise Locks and Cylindrical Dead Bolt Locks  
Recordkeeping Exception at 27 CFR 555.123(d)  
Pressure Gas Systems  
Indoor Magazines Stored Inside Containers and Trailers  
Educational Institution Exemptions and Students  
Prohibited Person Reminder  
A Reminder about Special Explosive Device Exemptions  
Acting Director Expresses ATF Gratitude  
Explosives Thefts from 2006 through 2010

**New Web Pages and Publication**  
ATF has added new web pages that provide guidance in the areas of plastic explosives, suspicious or dangerous explosive items, and disaster preparedness for Federal explosives licensees and permittees. These new web pages include information such as detection agent requirements, explosive descriptions for the public, and a new publication, ATF P 5400.16, *Voluntary Steps to Prepare for a Pending Natural Disaster*. Go to the Explosives Industry website at <http://www.atf.gov/explosives/industry> and click on the associated links to view the new web pages. ATF P 5400.16 may be found at <http://www.atf.gov/publications/explosives-area/>. Also, see our Open Letter with information regarding explosive post control devices at <http://www.atf.gov/explosives/open-letters/>.

**Display Fireworks Materials Exemption for Federally Recognized Indian Tribes**  
ATF has issued an open letter to all federally recognized Indian tribes and explosives licensees and permittees regarding the Tribal Law and Order Act of 2010. This Act, signed into law in July 2010, creates an exemption for federally recognized Indian tribes or tribal agencies from provisions of the Federal explosives law with respect to display fireworks. Section 236 of the Tribal Law and Order Act of 2010, Exemptions for Tribal Display Materials, amends 18 U.S.C. § 845, Exemptions, by adding § 845(a)(7), which exempts “the transportation, shipment, receipt, or importation of display fireworks materials for delivery to a federally recognized Indian tribe or tribal agency.” This provision allows federally recognized Indian tribes and tribal agencies to obtain display fireworks materials without a Federal explosives license or permit.

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

**Explosives Industry Programs Branch (EIPB)**  
Branch Chief **William J. Miller**

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

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

**Industry Operations Training Branch (IOTB)**  
Branch Chief **Vacant**

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

**Working for a Sound and Safer America**



# Federal Explosive Law and Regulations

- November 2007 – “Orange Book” misprints
- 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.



# Advice





# SUGGESTIONS

- Call ATF before you have a problem.
- Establish contact with the local ATF office.
- Verify inventory frequently .
- Educate your employees about the regulations.



# Facilitating Successful & Efficient ATF Inspections

Ensure records are available for examination

Expect that inventory and records examinations will be thorough

If you have any questions on what to expect, be sure to ask so you can prepare any necessary contingencies

Ensure that a knowledgeable person is available to answer questions and provide assistance, if necessary



# Remember...

## You are required to:

- Conduct yearly physical inventory of all explosives on-hand (\*record must be on file for inspection)
- Report all thefts and losses to ATF within 24 hours of discovery, by telephone 1-800-800-3855, and in writing by completing ATF F5400.5
- Visually inspect locks and magazines at least every seven days (*Tip: Look for signs of tampering or suspicious activity. If access has been attempted, report it to ATF*)
- Notify the authority having jurisdiction for fire safety in the locality in which explosives are stored



# Right of Entry and Examination

## 27 CFR 555.24

- (a) Any ATF officer may enter during business hours the premises, including places of storage, of any licensee or holder of a user permit for the purpose of inspecting or examining any records or documents required to be kept under this part, and any facilities in which explosive materials are kept or stored.
- (b) Any ATF officer may inspect the places of storage for explosive materials of an applicant for a limited permit or, in the case of a holder of a limited permit, at the time of renewal of such permit.”



# Reminders...

- 18 U.S.C. 843(f)
  - “Licensees and holders of user permits shall make available for inspection at all reasonable times their records kept pursuant to this chapter or the regulations issued hereunder...The Attorney General may enter during business hours the premises (including places of storage) of any licensee or holder of a user permit, for the purpose of inspecting or examining (1) any records or documents required to be kept by such licensee or permittee...and (2) any explosive materials kept or stored by such licensee or permittee and such premises.”



# 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](mailto:EIPB@atf.gov)
  - EIPB phone number: (202) 648-7120