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Employee Possessors



U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives

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Employee Possessor and Reporting Requirements

- As prescribed by 27 CFR § 555.45(c)(1)(iv), 555.45(c)(2) (iii), and 555.57(b):
- An employee possessor (EP) is:
 - An employee of a Federal explosives licensee/permittee
 - The employee will be in actual or constructive possession of explosive materials in the course of their employment
- All EPs must be reported to ATF
- Must submit ATF Form 5400.28 employee possessor questionnaire (EPQ) within 30 days of starting employment as an EP.
 - Under Part 555, an employee may possess explosives on behalf of employer, provided that EPQ is timely submitted to ATF, and the employer/employee have not received information indicating a prohibition (and otherwise have no reason to think the employee is prohibited)

Background Check and Clearance Letter (as prescribed by 27 CFR §§ 555.33)

- Federal Explosives Licensing Center submits background information to FBI NICS Center
- Upon receipt of results, ATF generates response letters to employer and employee providing a determination whether the person is prohibited from possessing explosives under 18 U.S.C. 842(i)
- EP may possess explosives in the course of their job for that employer
 - An employer must obtain a new clearance for each new employee, therefore the person must obtain new clearance if they change employer

Employee Possessors and CFATS Program

- CFATS – Chemical Facility Anti-Terrorism Standards (6 C.F.R. Part 27)
- All questions should be directed to DHS at CFATS@hq.dhs.gov