



# Bureau of Alcohol, Tobacco, Firearms and Explosives



EXPLOSIVES  
REGULATIONS AND  
EXPLOSIVE PEST  
CONTROL DEVICES



# ATF'S Explosives Regulatory Mission

- ENSURE:
  - only licensees or permittees receive explosives
  - safe and secure storage of explosives
  - integrity of record systems to facilitate the tracing of explosives
- ADVISE the explosives industry on the law, regulations and their compliance responsibilities
- INVESTIGATE & DETECT thefts and illegal diversion of explosives
- ASSIST other Federal, State and local agencies



# Overview

- Inspection information
- Regulations Review
- Security/Thefts
- Explosive Pest Control Devices
- 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/>



# Explosives Law and Regulations

Organized Crime Control Act of 1970

“Title XI”

Safe Explosives Act 2002

18 U.S.C. Chapter 40

Federal Explosives Regulations

27 CFR Part 555

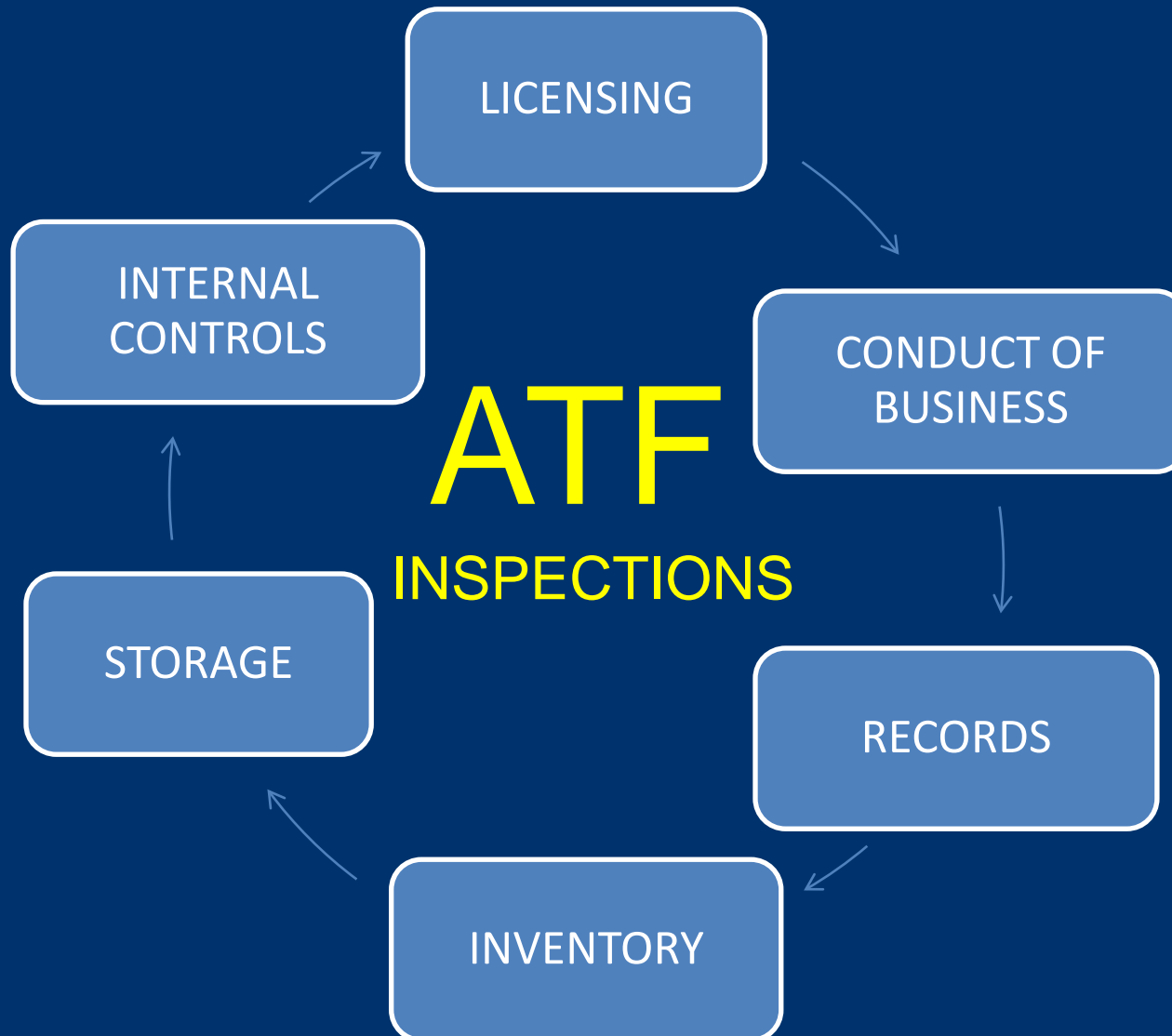


*ATF regulations do not preempt stricter State  
or local requirements!*



# General Information about ATF Inspections

- Generally conducted during business hours
- Usually unannounced
- Can be during any time of year
- Vary in length of time
- Often involve more than one Industry Operations Investigator





# LICENSING

- License vs. Permit

- Manufacturer - License
- Importer - License
- Dealer - License
- User - Permit

License - \$200/\$100

Permit - \$100/\$50

Limited Permit - \$25/\$12

- Employee Possessors and Responsible Persons

Must submit:

EP Questionnaire

No fingerprint cards or photos

Must submit:

Basic information

Photograph

Fingerprints

Each EP and RP must pass a background check. Cannot be a prohibited person.



# LICENSING

- Employee possessor: An individual who:
  - (1) is employed by the licensee or permittee, and
  - (2) has actual or constructive possession of explosive materials during the course of their employment
- Responsible Person: An individual who:
  - has the power to direct management and policies of the applicant pertaining to explosive materials.





# EXEMPTIONS

- U.S. Military & Federal agencies (includes contractors and subcontractors under contract)
- State agencies: transportation, shipment, receipt, and importation (does not include storage)
- Transportation regulated by U.S. DOT and U.S. DHS
  - ATF will inspect Government magazines upon request.



# EXPLOSIVES MUST BE IN A MAGAZINE EXCEPT:



Manufacturing



Physically  
handled in  
operating  
process



Being used



Being  
transported





# STORAGE

## APPLIES TO ALL PERSONS

- LOCKS
- HINGES/HASPS
- EXTERIOR
- INTERIOR

### CONSTRUCTION



- CLEAN
- VOLATILE MATERIAL
- DRY GRASS/BRUSH
- LIGHTING
- PLACEMENT IN MAGAZINE

### HOUSEKEEPING, ETC



- INHABITED BUILDINGS
- PUBLIC HIGHWAYS
- PASSENGER RAILWAYS
- MAGAZINES

### DISTANCES





# Recordkeeping

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




## ATF

### Daily Summary of Magazine Transactions (DSMT)




The image shows a stack of magazines on a pallet, trays of magazines, and a red magazine box.

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




## ATF

### Recordkeeping Requirements for Explosive Material Manufacturers




The image shows laboratory glassware, including beakers and test tubes, and a molecular model.

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




## ATF

### Recordkeeping Requirements for Dealers of Explosive Materials




The image shows various types of explosive materials, including sticks, tubes, and a coil of yellow material.

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



## ATF

### Recordkeeping Requirements for Explosive Permittees and Limited Permittees



The image shows various types of explosive materials, including shells and a photograph of two men in a field.



# ACCOUNTABILITY

An audit trail from manufacture or acquisition to final use or distribution

- Must account for each explosive product.
- Includes misfires, returns, duds, etc.
- Records are key to traceability.
- Frequent inventories.





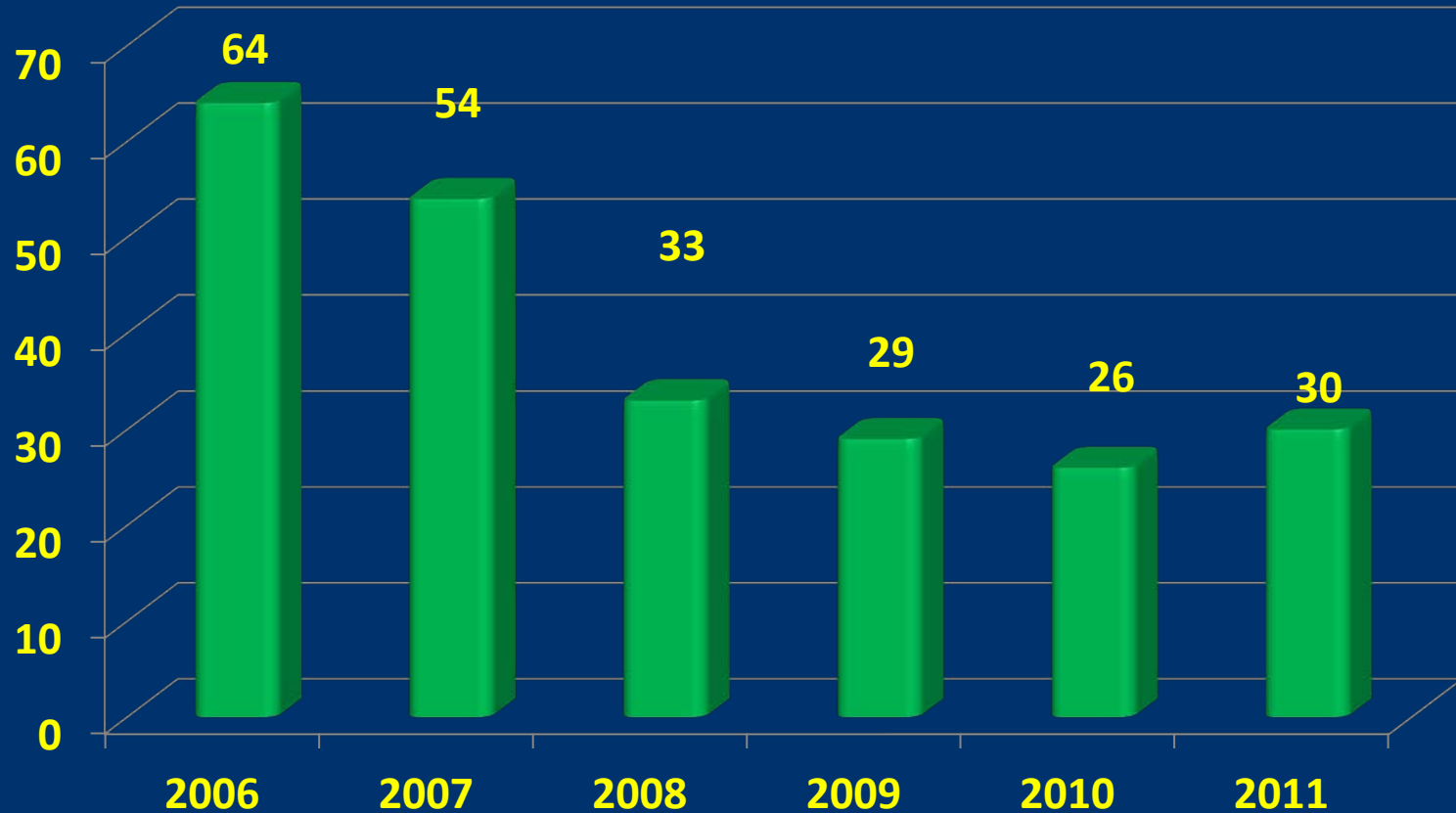
# THEFT OR LOSS OF EXPLOSIVES

- 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



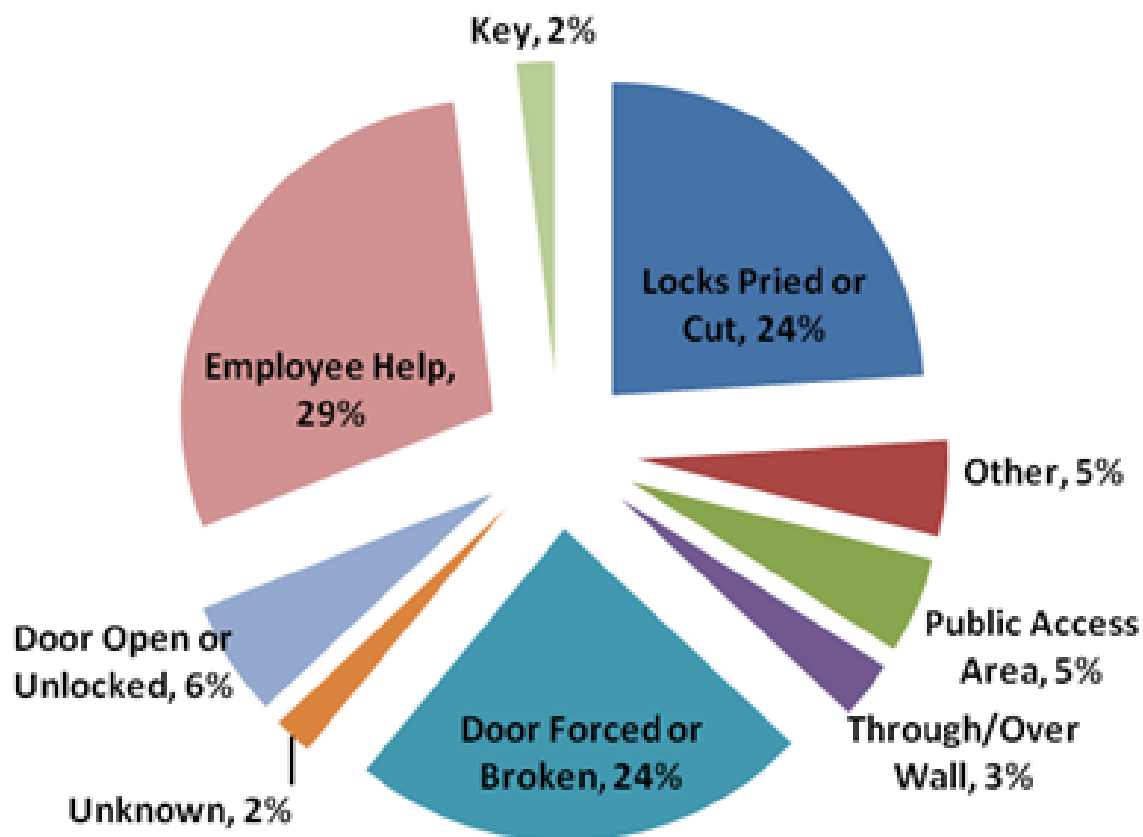
# Thefts of Explosives

## ATF U.S. Bomb Data Center





# Thefts of Explosives

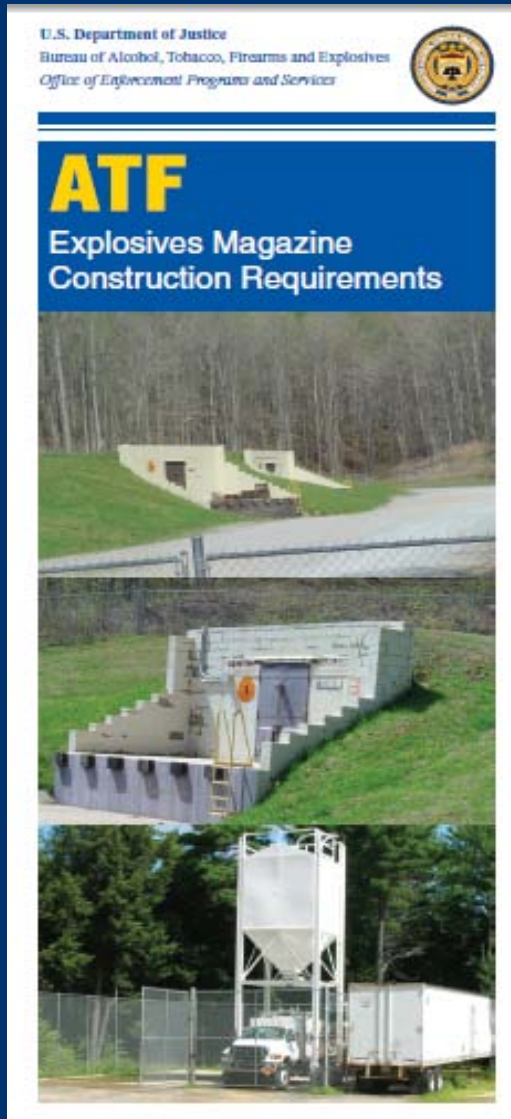






# SUSPICIOUS ACTIVITY

- 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-explosives-theft-checklist.html>
- Immediately notify local authorities if witnessing criminal activity.



# Classification and Storage

ATF P 5400.17, Explosives Magazine Construction Requirements available online at <http://www.atf.gov/publications/explosives-arson/>



# High Explosives

- Can be caused to detonate by means of a blasting cap when unconfined.
  - e.g. dynamite, detonators, flash powder, EPCDs that contain flash powder.
- Must be stored in:
  - Type 1 permanent magazine; or
  - Type 2 mobile or portable (indoor or outdoor) magazine; or
  - Type 3 magazine (day box)
    - For temporary attended storage (no overnight storage)



# Low Explosives

- Can be caused to deflagrate when unconfined.
  - e.g. black powder, most display fireworks, igniters, some EPCDs.
- Must be stored:
  - Type 1 permanent magazine; or
  - Type 2 mobile or portable (indoor or outdoor) magazine; or
  - Type 3 magazine (day box)
    - For temporary attended storage (no overnight storage)
  - Type 4 magazine (indoor or outdoor) permanent, portable or mobile magazine.



# Explosive Pest Control Devices

Explosive Pest Control Devices (EPCDs) are regulated explosives that fall under ATF jurisdiction.

DOT hazard class 1 explosives





# EPCD License/Permit Requirements

- Federal explosives license is required to import, manufacture, or distribute.
- Federal explosives permit required to acquire EPCDs.
- Possible exemption if operating under a valid and current Government exemption (e.g. landfills, airports, etc.).



# EPCD Storage

- EPCDs containing flash powder (e.g. Seal Bombs) are high explosives and must be stored in Type 1 or Type 2 magazines
- EPCDs, such as whistlers and screamers, are considered low explosives (generally contain black powder or other low pyrotechnic compositions).
- Low explosive EPCDs may be stored in a Type 1, Type 2, Type 3 or Type 4 magazine.



# EPCD Storage Restrictions

- **Outdoor** magazines on fishing vessels (e.g. on deck) containing EPCDs with flash powder must:
  - Comply with the distance requirements at 27 CFR 555.218 for high explosives (e.g. when vessel is docked)
  - Must obtain a variance from ATF's Explosive Industry Programs Branch prior to use.
  - Those magazines containing low explosive EPCDs must comply with distance requirements at 27 CFR 555.219.
- **Indoor** magazines on fishing vessels (e.g. inside vessel cabin) containing any type of EPCDs must:
  - Contain no more than 50 pounds of explosives.
  - Must obtain a variance.





§ 55.218 Table of distances for storage of explosive materials.

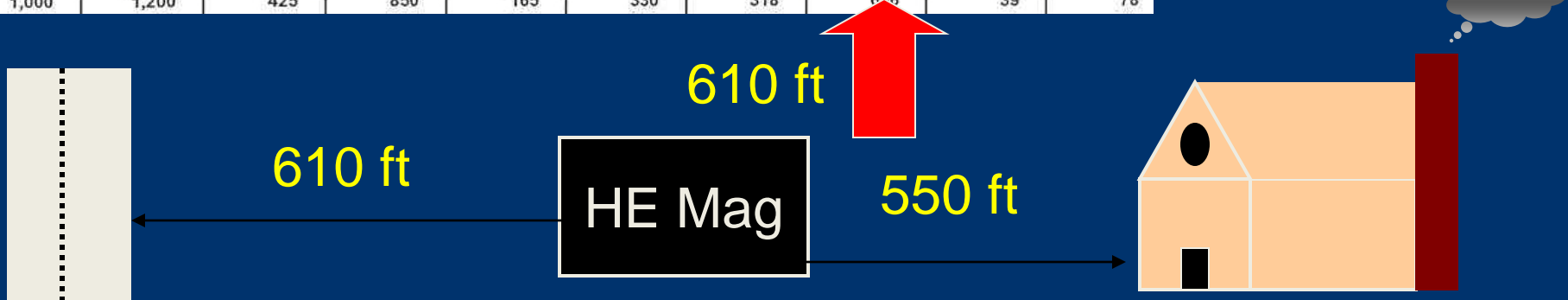
Example of  
TOD for  
High  
Explosives

Quantity of Explosives		Distances in feet							
Pounds over	Pounds not over	Inhabited buildings		Public highways with traffic volume 3000 or less vehicles/day		Passenger railways--public highways with traffic volume of more than 3,000 vehicles bay		Separation of magazines	
		Barricaded	Unbarri-aded	Barricaded	Unbarri-caded	Barricaded	Unbarri-caded	Barricaded	Unbarri-caded
0	5	70	140	30	60	51	102	6	12
5	10	90	180	35	70	64	128	8	16
10	20	110	220	45	90	81	162	10	20
20	30	125	250	50	100	93	186	11	22
30	40	140	280	55	110	103	206	12	24
40	50	150	300	60	120	110	220	14	28
50	75	170	340	70	140	127	254	15	30
75	100	190	380	75	150	139	278	16	32
100	125	200	400	80	160	150	300	18	36
125	150	215	430	85	170	159	318	19	38
150	200	235	470	95	190	175	350	21	42
200	250	255	510	105	210	189	378	23	46
250	300	270	540				402	24	48
300	400	295	590				442	27	54
400	500	320	640	130	260	238	476	29	58
500	600	340	680	135	270	253	506	31	62
600	700	355	710	145	290	266	532	32	64
700	800	375	750	150	300	278	556	33	66
800	900	390	780	155	310	289	578	35	70
900	1,000	400	800	160	320	300	600	36	72
1,000	1,200	425	850	165	330	318	636	39	78

300 lbs  
Max

550 ft

48 ft





# EPCD Storage Variance

- May obtain a variance to store high explosive EPCDs in type 4 magazines if they remain in their original DOT-required shipping packages. (Must store in Type 1 or Type 2 magazines if removed from packages.)
- Table of distance at 27 CFR 555.218 must be used no matter which magazine is used.
- See Open Letter — Information Regarding Explosives Pest Control Devices at <http://www.atf.gov/explosives/open-letters/>





# Alternative Pest Control Devices

- Reed-Joseph International Company's 15 mm Screamer Siren Cartridge (Screamer Siren) is exempt from Federal explosives regulations as an articles pyrotechnic.
- Consumers not required to obtain a license or permit to acquire Reed-Joseph's Screamer Sirens.
- An explosives manufacturing license is required to manufacture Screamer Sirens for sale, distribution, or for business use.
- Exemption valid **only** for finished Reed-Joseph Screamer Sirens
- Recommend that distributors continue customer verification to ensure cartridges are purchased for legitimate purposes



# Newsletter Information

- Bi-annual Newsletter
- Current issues and reminders
- Send article ideas to [EIPB@atf.gov](mailto:EIPB@atf.gov)
- Can request a “hard copy”
- Current and previous issues are available on-line at [www.atf.gov](http://www.atf.gov)

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 Igloo or "Army-type Structure" Explosives Magazines  
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  
Licensee/Permittee Population

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

**A**fter 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 conscientiously 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.

**Arson & Explosives Programs Division (AEPD)**  
Division Chief Joseph M. Riehl  
Deputy Division Chief Gregory D. Plotz  
Explosives Industry Programs Branch (EIPB)  
Branch Chief Debra Sankowski  
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**

**2009 IME Spring Meeting**

**A**rson and Explosives Programs Division (AEPD) Chief, Joe Riehl, EIPB Chief Debra Sankowski, and Industry Liaison Bill O'Brien participated in the Institute of Makers of Explosives (IME) Spring Meeting held in LaJolla, CA in May 2009. IME meetings afford



# Safety and Security Booklet

ATF P 5400.15

- Developed with ISEE and IME
- Tips, techniques, and tools for better security
- ATF Contact information
- Sample explosives records
- Online version available at <http://www.atf.gov/publications/explosives-arson/>





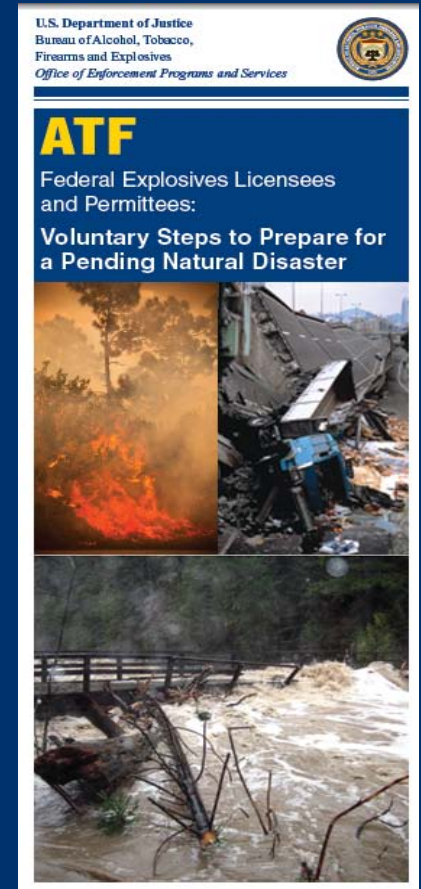
# Recent Publications

- Voluntary Steps to Prepare for a Pending Natural Disaster
- Explosives Magazine Construction Requirements
- Daily Summary of Magazine Transactions (DSMT) Requirements

And Record Keeping Requirements for . . .

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

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





# Industry Resources

Web pages at  
[WWW.ATF.GOV](http://WWW.ATF.GOV)

The screenshot shows the ATF website's navigation and content for Explosive Pest Control Devices. At the top is the ATF logo and the text "ATF Bureau of Alcohol, Tobacco, Firearms and Explosives At The Frontline Against Violent Crime". Below this is a navigation menu with links: "About ATF", "Careers", "Enforcement", "Industry", "Field Divisions", "Pressroom", "Forms", "Publications", "Laws, Regulations & Rulings", and "Contact Us". A breadcrumb trail reads: "ATF Home > Explosives > How To > Explosive Pest Control Device Requirements". The main content area features the heading "Explosive Pest Control Devices" and a paragraph explaining the role of explosives in pest control, specifically mentioning "bird bombs" and "shell crackers". To the right of the text is a photograph of a yellow excavator in a field with a large number of birds flying around it. On the right side of the page, there are two sections: "Supplemental Information" with a link to "EPCD Printable PDF" and "Newsletters" with links to "Federal Explosives Exemptions for Federal, State and Local Government Agencies", "Government Agency Exemptions", and "Wildlife Pest Control Explosive Devices".

Explosives pest control device regulation summary at  
<http://www.atf.gov/explosives/how-to/explosive-pest-control-device-requirements.html>



# 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)