

Federal Explosives Requirements for Explosive Pest Control Devices

Explosives industry members play an integral role in maintaining our quality of life in the United States and work to bring countless benefits to our everyday lives. Explosive pest control devices (EPCDs) are used to maintain adequate levels of agricultural and aquacultural production and aviation safety by minimizing crop damage and interference from pests, birds and seals at airports, landfills, farmland, golf courses, and fishing areas. As a part of ATF's public safety mission, ATF is committed to working with industry members to protect the public from unsafe or insecure storage and the potential misuse of these explosive materials.

License or Permit Requirements

EPCDs are regulated explosives that fall under ATF jurisdiction. Under Federal explosives laws, all persons who wish to manufacture, import, or distribute explosives, including EPCDs, must acquire a Federal explosives license. Persons who wish to receive EPCDs must acquire a Federal explosives permit. ATF license and permit requirements may be found at www.atf.gov/explosives/how-to/become-an-fel.html. In addition to ATF Form 5400.13, Application for Explosives License or Permit, and the application fee, applicants must submit a 2" x 2" photograph and a completed FD-258, Fingerprint Identification Card (obtainable through a local law enforcement agency) for each Responsible Person (RP). Further, an ATF Form 5400.28, Employee Possessor Questionnaire, is required for each Employee Possessor (EP)." (An EP is an individual who has **actual or constructive possession** of explosive materials during the course of his or her employment with the applicant's business.) Background checks are conducted for all RPs and EPs submitted with an application.

Storage Requirements

Licensees and permittees must store EPCDs in compliance with 27 CFR, Part 555, Subpart K – Storage. EPCDs containing flash powder are classified as high explosives and must be stored within Type-1 or Type-2 magazines. Licensees or permittees who desire to store high explosive pest control devices, packed in their original Department of Transportation-approved shipping containers, in a Type-4 magazine, may submit a request for a variance from regulations to ATF's Explosives Industry Programs Branch. (If removed from these containers, they must be stored as high explosives within Type-1 or Type-2 magazines.) EPCDs containing only black powder or pyrotechnic compositions are low explosives and may be stored in Type-4 magazines without a variance. (See 27 CFR, Part 555, Subpart K, for magazine construction requirements).

When not in the process of manufacture; being physically handled in the operating process; being used; or being transported to a place of storage or use by a licensee or permittee, EPCDs must be kept in the appropriate locked magazines that meet the construction, locking, and table of distance requirements of Subpart K. Magazines must be inspected every 7 days to enable detection of any theft, or attempted theft, of explosive materials. For additional storage requirements, visit our website at <http://www.atf.gov/explosives/how-to/explosive-storage-requirements.html>.

Records Requirements

Persons who receive EPCDs generally must maintain separate records of explosive material acquisition and distribution. Persons who store EPCDs must maintain a Daily Summary of Magazine Transactions (DSMT) for each magazine. (See 27 CFR, Part 555, Subpart G – Records and Reports, for additional recordkeeping requirements.) The DSMT record must include the manufacturer's name or brand name; the date of receipt or removal; the total quantity received in and removed from each magazine during the day; and the total remaining on hand at the end of the day.

Report Explosives Theft/Loss

Any person who has knowledge of the theft or loss of any explosive materials from their stock must report such theft or loss within 24 hours of discovery to ATF and to appropriate local authorities. **Upon discovery of any theft or loss of any of your explosive materials:**

1. Call the nearest ATF office or toll free 1-888-283-2662. (See www.atf.gov/field for a list of field division offices.)
2. Contact local law enforcement to report the theft or loss. If the explosives are lost or missing, make it clear to the authorities that there is no evidence of a crime and that the disposition of the explosives is unknown.
3. Complete ATF Form 5400.5, Report of Theft or Loss (available at www.atf.gov/forms/explosives/) and attach any additional sheets or invoices necessary to provide the required information and fax it to ATF's U.S. Bomb Data Center at 866-927-4570. Retain copies for your records.

For complete information on these and other requirements, contact Explosives Industry Programs Branch at 202-648-7120 or visit our website at <http://www.atf.gov/publications/download/p/atf-p-5400-7.pdf>.