

# ATF

## Safety and Security Information For Federal Explosives Licensees and Permittees



PROTECTING THE PUBLIC  
SERVING OUR NATION

## Table of Contents

ATF Office/Hotline Telephone Numbers and Addresses.....	3
Security Reminder .....	4
What Is ATF Doing to Support the Explosives Industry in Keeping Explosives Secure? .....	4
ISEE's and IME's Commitment to the Promotion of Explosives Safety and Security .....	6
Voluntary Security Checklist.....	7
Disaster Preparedness .....	9
Procedures to Follow When an Explosives Theft is Discovered .....	10
Procedures to Follow When Explosives Are Missing/Lost .....	11
Incidents Outside of the United States .....	12
Federal Explosives Law and Regulations Regarding Stolen Explosives.....	12
Regulatory Program Provisions (27 CFR, Part 555) .....	13
Licensee/Permittee Responsibility .....	14
Responsible Persons vs. Employee Possessors .....	14
Identification of Explosives in Records.....	15
Recordkeeping Requirements .....	15
Explosives Storage Requirements.....	18
Binary Explosives .....	18
Chemical Safety and Security.....	19
Guide to Recording Suspicious Person Description .....	20

## ATF Office/Hotline Telephone Numbers and Addresses

**ATF 24-Hour Hotline** ..... 800-800-3855

**U.S. Bomb Data Center** (M-F, 8 a.m. to 5 p.m. e.s.t.) ..... 800-461-8841  
Fax 866-927-4570

**Stolen Explosives Hotline** ..... 888-283-2662  
(After hours, weekends) ..... (888-ATF-BOMB)

**U.S. Bomb Data Center (Repository)** ..... USBDC@atf.gov  
Bureau of Alcohol, Tobacco, Firearms and Explosives  
U.S. Bomb Data Center  
P.O. Box 50980  
Washington, D.C. 20091

**Explosives Industry Programs Branch (EIPB) Mailing Address** ..... EIPB@atf.gov  
Bureau of Alcohol, Tobacco, Firearms and Explosives  
Explosives Industry Programs Branch ..... 202-648-7120  
99 New York Avenue, NE.  
Mailstop 6N-518  
Washington, D.C. 20226

**ATF Distribution Center** ..... 202-648-6420

Find your **Local ATF Office Contact Information online** at  
<https://www.atf.gov/contact/atf-field-divisions>

**ATF Website** (For Updates and Forms)  
<https://www.atf.gov/explosives>

### Important Telephone Numbers:

Contact	Telephone	Fax
_____	_____	_____
_____	_____	_____
_____	_____	_____

## Security Reminder

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), in partnership with the Institute of Makers of Explosives (IME) and the International Society of Explosives Engineers (ISEE), would like to take this opportunity to once again remind all members of the explosives industry of the vital importance of employing security safeguards over explosive materials. Whether the explosive materials are in the process of manufacture, in storage, or in use, we urge everyone to use all necessary measures to safeguard explosive materials and prevent them from falling into the hands of those who may use them in criminal or terrorist acts.

The purpose of this booklet is to provide you, the industry member, with useful tips, techniques, and tools developed by ATF, the ISEE, and the IME for properly securing explosive materials.

In past advisories to explosives industry members, ATF has requested that you report any suspicious behavior or unusual activity to ATF and local law enforcement authorities. Keeping explosives secure requires more than that, however. It requires preparing and implementing a security plan. We urge each member of the explosives industry to adopt a security program for their explosives operations and storage sites. If you already have a security plan, please take this opportunity to re-evaluate your plan and ensure that it provides both safeguards and an action plan in the event of an emergency situation.

## What Is ATF Doing to Support the Explosives Industry in Keeping Explosives Secure?

ATF is committed to keeping explosives out of the hands of those with criminal intent and prosecuting those who illegally obtain or misuse explosives. While ATF is primarily concerned with law enforcement and regulatory duties, we also strive to work with and consult with the industries we regulate, as well as the businesses, agencies, and groups that affect the industry. By doing this, we hope to develop more efficient, more effective, and less burdensome programs, policies, and procedures.

After the 1995 bombing of the Murrah Federal Building in Oklahoma City, ATF formed an alliance with The Fertilizer Institute and other agriculture industry members to put forward a program called "Be Aware for America." This program encouraged agriculture industry members to report to ATF any suspicious activities or thefts of ammonium nitrate, a precursor chemical often sought after by those with criminal intent.

This program was expanded in 1998 to include "Be Secure for America," which encouraged the agriculture industry to take extra security measures at production and distribution facilities. It was further updated in 2004 as part of the "America's Security Begins with You" initiative. These initiatives sought to raise industry members' awareness about potential security vulnerabilities relating to ammonium nitrate and to provide ideas on how to fix potentially dangerous problems.



The public safety issues surrounding the potential **criminal misuse of ammonium nitrate fertilizer** are of the highest concern to the nation's agribusiness industry and its partners.

**SECURITY BEGINS WITH YOU**

in law enforcement. As a result of these serious concerns, U.S. retailers must now **demonstrate increased vigilance** to help ensure ammonium nitrate cannot be obtained by those with criminal intent.

**AMERICA'S SECURITY BEGINS WITH YOU**

## Industry Outreach

After the terrorist attacks upon the United States on September 11, 2001, ATF initiated an ambitious outreach program to meet with every explosives industry member to address their concerns, to develop contacts, and to encourage the use of extra security measures. ATF uses this information when developing other outreach programs.

ATF personnel often meet locally with representatives of the explosives industry in their area to discuss safety and security, and we encourage industry members to contact their local ATF office to arrange these meetings. ATF personnel also attend and give presentations on security at industry seminars and conferences. The ATF representatives who attend these events enjoy meeting with industry members to discuss ideas on making the industry safer and more secure and on making ATF more effective at keeping explosive materials out of the hands of criminals.

## ATF Advisories

ATF recognizes that explosives licensees and permittees play a significant role in preserving public safety. For this reason, ATF issues open letters and advisories to keep industry members informed and to remind everyone when increased vigilance is needed. For example:

- In June 2013, the National Explosives Task Force, which includes ATF, the Federal Bureau of Investigation (FBI), the Department of Homeland Security (DHS), and the Department of Defense, issued a joint industry advisory on the use of firework components in explosive-based Improvised Explosive Devices (IEDs). In addition to raising the awareness of consumer fireworks retailers concerning the illegal use of fireworks, the advisory provided guidance on actions and behaviors of individuals that together might indicate suspicious activity.
- In 2014, ATF, FBI, and DHS conducted a joint industry awareness initiative for businesses that distribute and sell black powder, black powder substitutes, and smokeless powder. The majority of explosive-based IEDs in the U.S. incorporate smokeless powder, black powder, or black powder substitutes as they are readily available to a purchaser with criminal or terrorist intent. The advisory sought to educate retail employees involved in the sale of these powders that have the potential for being used

in bomb making materials and to provide guidance on how to report suspicious activity. ATF, the FBI, and DHS strongly encourage black powder dealers to establish relationships with local law enforcement agencies and the Joint Terrorism Task Force and suggest that industry members integrate awareness and reporting of suspicious behaviors into formal employee training programs.

- In May 2015, the National Explosives Task Force issued a joint public safety advisory on the use of binary exploding targets (ETs). While most purchasers use ETs in a responsible manner, misuse has seriously injured or killed a number of people. The advisory was intended to increase public awareness of these products; to remind people that mixed ETs are explosive materials that can pose a safety risk if used improperly; to provide recommendations for the safe use of ETs; and to provide information on potential license and permit requirements.

## ATF Commitment

ATF personnel are dedicated to the aggressive pursuit and prosecution of those who divert explosives into the illegal market, steal explosives, or illegally possess or misuse explosive materials. Using agency resources such as the Explosives Industry Programs Branch (EIPB), the U.S. Bomb Data Center (USBDC), the National Center for Explosives Training and Research, and the Forensic Science Laboratories, we strive to prevent terrorism and reduce violent crime involving the criminal use of explosives, and to protect public safety by enforcing laws and regulations governing the explosives industries.

## ISEE's and IME's Commitment to the Promotion of Explosives Safety and Security



**International Society of  
Explosives Engineers**

ISEE and IME have always had zero tolerance for the theft or illegal possession of explosive materials

in any quantity and support the criminal prosecution of persons who commit such acts. Security and safety topics are often discussed at ISEE's annual conventions and at IME's meetings.

The IME and ISEE have also provided exceptional guidance to ATF in the

development of this booklet. These organizations and ATF intend this guide to be useful for both industry members and ATF personnel. The IME has compiled and formulated excellent industry standards in the securing of explosive materials. In IME Standard Library Publication 27 (SLP 27) - and IME SLPs 1 and 3 for storage magazines - they provide guidelines beyond those found in the Federal explosives regulations, as well as practices that industry members may use in securing their explosives. While the suggestions for safety and security outlined in SLP 27 are voluntary, adoption of these guidelines would be highly beneficial to all explosives industry members. Additionally, IME published Safety and Security Guidelines for Ammonium Nitrate, which were endorsed by the ISEE. Copies of this and other SLPs are available from the IME website at [https://www.ime.org/products/category/safety\\_library\\_publications\\_slps](https://www.ime.org/products/category/safety_library_publications_slps). Other related materials can be obtained from ISEE's bookstore at [www.isee.org/store](http://www.isee.org/store).

The following list, taken from SLP 27, is an example of the minimum general concepts IME recommends should be included in any security program.

- 1. Limit public disclosure of information on quantities and locations of explosives storage on a need-to-know basis.** While you are required to notify the local fire authority of specific information regarding the quantities and location of explosives storage facilities, public safety authorities (such as police and local emergency management) also should be in possession of this information.



- 2. Get to know your local law enforcement and local emergency planning committee (LEPC) personnel, emergency responders and Joint Terrorism Task Force in your area and let them get to know you.**

An "open house" held every year at your facility is an excellent method to accomplish this. This not only provides first-hand familiarity of your site to law enforcement, it also provides invaluable face-to-face interaction with these authorities. If you cannot get law enforcement, LEPC personnel or emergency responders to visit your site, visit them and ask about emergency training opportunities. Request a meeting so that you can introduce and explain your operation. Specifically request in writing that law enforcement pay special attention to any suspicious activity around your site(s).

- 3. Employees are critical contributors to site security. Instruct all employees to report any unusual or suspicious activity immediately to appropriate authorities.** Such activity could include:

- An attempt to purchase explosives by an unfamiliar or seemingly inexperienced individual;
- An individual who is reluctant to provide identification or information on their operation or intended use of explosives;
- Encountering an individual, either at work or on your own time, who seems very interested in your occupation and details related to the accessibility of explosives, blasting agents, or precursor chemicals;
- Out-of-place or repeat sightings of vehicles or individuals, especially individuals or vehicles at gates or perimeter roads, and aerial over flights;
- Sighting unauthorized individuals inside a secure area within your facility; and
- Explosives-laden vehicles being followed.

If you encounter any such activity, write down information such as vehicle color, make, license plate number and State, and a physical description of suspicious individuals as soon as possible. Take a photograph if possible (send it to a company e-mail address where it can be saved and sent to authorities if necessary). Retain and preserve papers or other items a suspicious individual may have touched for potential law enforcement processing. When witnessing known criminal activity, contact law enforcement immediately.

4. **Designate an individual as your security coordinator.** All employees should report suspicious or unusual activities to the security coordinator or their immediate supervisor, if the security coordinator cannot be contacted. The security coordinator or supervisor then reports the suspicious or unusual activities to appropriate law enforcement personnel. The security coordinator should also establish relationships with nearby chemical operations or similar business to share information. The security coordinator should maintain a log of unusual events.
5. **Establish a predetermined action plan for implementation of increased security measures brought on by a DHS National Terrorism Advisory System (NTAS) Alert.** All employees should know how to deal with shipments, production, and blasting operations in progress. In the event of an NTAS Alert, additional security measures should be considered for implementation on a site-specific basis, in response to the type and scope of the specific alert.
6. **Disseminate increased security alerts and security recommendations to your customers and suppliers throughout the industry.** Facilitate their understanding of these alerts and recommendations.
7. **Control official documents and information.** Prevent documents such as licenses, permits, route plans, shipping schedules, and other authorizations from reaching unauthorized individuals. Information related to shipping, inventory, production schedules, and processes should be kept secure and provided on a need-to-know basis.
8. **Conduct a safety and security review of all outside contractors or service providers who have access to areas where explosives are present before their services are used and periodically thereafter.** Include a security element in contractor or service provider training.
9. **Develop security plans and conduct vulnerability assessments for your entire operation.**

## Voluntary Security Checklist

Note: Industry members can use this checklist to make their businesses more secure.

These suggestions are not required by ATF, but are a helpful guide for securing explosive materials.

### 1. Controlling Access to Keys

- Restrict access to keys for your storage magazines and for trucks loaded with explosives. It also helps to keep your keys in a secure, unmarked area.
- A logbook for essential personnel to sign keys in and out can enhance security and be useful in tracking down a missing set of keys. Alternatively, you could number keys and assign them to specific individuals. Be sure to collect keys from separating employees.
- Conducting an inventory of keys can help ensure that all keys are currently accounted for; consider making this a part of a quarterly inventory of explosive materials.
- You should change magazine locks immediately if keys are missing or remain in the possession of separated employees. This helps ensure that only your authorized employees have access to

your magazines. You should create an internal policy that instructs employees to refrain from duplicating the keys without authorization.

### 2. Securing Your Magazine

- Although ATF recognizes that most licensees and permittees already keep their magazines in secure locations and are complying with the requirement to visually inspect their magazines every seven days, you may want to consider inspecting any readily accessible magazines on a daily basis. This will allow you to assess and correct any security or safety vulnerability that may be present.
- Even if the current locations of explosives magazines meet the requirements of the table of distances, licensees and permittees may want to reassess their magazine locations to ensure that the magazines are placed in the most secure locations possible.

- Consider upgrading padlocks to those that resist shimming, picking and drilling.
- Consider conducting regular inventories (more often than once a year) to ensure that there have been no thefts/losses of explosive materials. Conducting more frequent inventories also reduces the amount of research required in the event of an inventory discrepancy.
- This booklet provides you with a clearly defined plan of action for recording and reporting lost or stolen explosive materials. We recommend that you obtain all applicable Federal, State, and local agency telephone numbers in order to report lost or stolen explosive materials.

### 3. Securing the Storage Site

- Limit access to sites where explosive materials are being stored to essential personnel only. Restricting unauthorized personnel from these sites will reduce exposure of the magazines to theft and tampering.
- Consider installing fences, floodlights, alarms, security cameras, locked gates, or other security devices at the site to better monitor the location. Alarm monitoring signs should be posted in highly visible places to deter unauthorized access.
- Contact your local law enforcement agency and establish a rapport with the officers who routinely patrol your area. Familiarize them with your business hours and request that they alert you when people are present during off hours.
- Notify local law enforcement and fire safety authorities of new storage in the area. Consider making this an annual contact and use these contacts as opportunities to have local authorities visit the site and conduct emergency training.
- Training your employees is essential to securing your explosives. Employees should be trained to recognize what constitutes a suspicious customer or an unusual transaction. They should also be trained to respond to thefts, losses, or emergencies involving explosive materials.

- Other agencies such as the Occupational Safety and Health Administration (OSHA), the Mine Safety and Health Administration (MSHA), and State agencies may have additional rules and requirements for securing storage sites. We recommend that you contact these agencies for information on their requirements.

### 4. Getting to Know and Recognize Your Vendors

- Encourage your employees to recognize which vendors service your facility. Have the vendor's telephone number(s) readily available to help your employees verify any unknown individual who claims to be from the vendor.
- You should have vendors check in and receive an identification badge while at your facility. Escorting vendors throughout your facility is also recommended.

### 5. Knowing Your Customer

Although all persons ordering or receiving explosive materials must be licensed or permitted, licensees should be alert to the following suspicious activities:

- The customer insists on paying in cash.
- The customer acts nervous or behaves in an unusual manner.
- The customer knows little about the product he/she is buying or its use.

**Note:** ATF has provided a *Guide to Recording Suspicious Persons Description* in the back of this booklet.

This guide may be useful for recording descriptive information on any suspicious individual. Suspicious activities can be reported to ATF's 24-hour hotline listed in the front of this book or your local law enforcement authority.

- Consider making follow-up phone calls to your customers to ensure that they received the correct amount of explosive materials especially when a common or contract carrier delivers the materials.
- Be cautious with unsolicited e-mail inquiries involving explosive materials, properties, blasting techniques, tunneling, etc. Please provide any suspicious e-mails to ATF.

# Disaster Preparedness

Many natural disasters occur with little or no warning. Whether or not advance notice is possible, the preservation of life is always paramount during any type of disaster. ATF urges all persons to take steps to protect persons and property by having a disaster preparedness plan in place before a disaster occurs.

Federal explosives licensees and permittees have several interests in having a plan in place: the need to safeguard their business, the desire to facilitate a quick recovery, and the obligation to protect the public from the risk of the theft or loss of explosive materials.

Having a disaster preparedness plan is the best way to anticipate, prepare for, mitigate the effect of, and recover from a business disruption. The following are suggestions of voluntary measures licensees and permittees can take to protect their explosives business premises and inventories in the event of a natural disaster. Guidance on what to do if the business premises are damaged or destroyed by a natural disaster is also included here.

## **Preliminary and Voluntary Steps to Prepare for a Pending Natural Disaster:**

For pending natural disasters (e.g., forest fire or hurricane), relocate explosive materials to a compliant explosives magazine in an area less susceptible to weather related damage if at all possible. Contact your local ATF office and provide the following information:

- Business name, Federal explosives license or permit number, licensed premises and storage magazine address (including magazines used for the temporary relocation of explosives), and;
- Emergency contact name, address, and telephone number.

While you are not required to provide this information, it could be extremely useful in the event ATF needs to contact you regarding damage to your business premises and/or inventory. In certain emergency situations, local field supervisors may have the authority to verbally approve certain requests, such as adding a new magazine.

Also, consider maintaining an off-site, back-up copy of critical records.

## **If Explosives Have Been Damaged:**

If damaged explosive materials are an immediate threat to public safety, contact your local law enforcement authority and the ATF 24-hour hotline (800-800-3855).

- If the damaged explosive materials are not an immediate threat to public safety, contact the manufacturer for instructions on the appropriate means of destruction.
- Contact your local ATF office for any additional guidance they might have.

## **If ATF-Required Records Have Been Damaged, Lost or Destroyed:**

Inventory explosive materials and try to reconstruct any records destroyed, lost, or rendered illegible. (Consider contacting major suppliers or customers to obtain copies of recent sales and acquisition records.) Contact your local ATF office for assistance or further information.

Licensees and permittees can obtain contact information for their local ATF offices online at <https://www.atf.gov/contact/atf-field-divisions>.

## **Magazine Identification**

ATF has initiated a voluntary program to help identify and track industry-owned explosives storage magazines. During natural disasters and other emergencies, ATF assists emergency responders in ensuring the security of nearby explosives, and the safety of responders, by providing information regarding the location of explosives magazines within an affected area. With the industry members' permission, ATF industry operations investigators are affixing small labels with unique numbers to interior magazine walls during routine inspections. We encourage licensees and permittees to participate in this voluntary program.

For additional information on planning for a natural disaster, visit <http://www.ready.gov/>.

# Procedures to Follow When an Explosives Theft is Discovered

- **Contact Local Law Enforcement Authorities**

Local Law Enforcement Telephone Number:

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Contacting the local law enforcement authorities is essential to the quick recovery of explosives taken in a crime.

- **Contact Local ATF Office**

Local ATF Office Telephone Number:

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The local ATF office will work with the local law enforcement authorities investigating the theft. They can also assist in the preparation of the Theft/Loss Report for submission to the U.S. Bomb Data Center.

- **Contact U.S. Bomb Data Center (USBDC)**

Telephone Numbers: 800-461-8841 or 888-283-2662 (ATF-BOMB)

- **Ensure Safety and Preserve Evidence**

You are first and foremost responsible for making sure that you and your employees are safe! Do not enter a crime scene until law enforcement authorities indicate that it is permissible to do so. Unless you are asked to assist, do not attempt to assess damage/losses until law enforcement authorities are finished.

- **Prepare ATF Report of Theft or Loss**

**(ATF F 5400.5)**

*A Report of Theft or Loss—Explosive Materials* must be prepared when it is discovered that explosive materials are missing from inventory. Submit the original to the USBDC and keep a copy for your records. The form can be obtained from the ATF Distribution Center or online at <https://www.atf.gov/explosives/explosives-forms>.

Although the USBDC should be notified as soon as possible, Federal law requires notification within 24 hours of the discovery.

- **Notify ATF of Any Recovered Explosives**

It is not uncommon to find that explosive materials initially thought to have been stolen were in fact sold lawfully or are still in inventory. Please notify the USBDC at 800-461-8841, and any investigating agency, of all recovered explosives and correct inaccurate reports.

# Procedures to Follow When Explosives Are Missing/Lost

The theft/loss reporting requirement refers to when the whereabouts of explosive materials are unknown; their discovered absence cannot be accounted for; or the explosive materials are no longer in the possession, care, or control of the owner, authorized possessor or operator. In many cases, an apparent loss can be the result of an administrative error in recordkeeping.

## • Explosives Missing From Inventory

If there is no indication that a theft or breach in security has occurred, the licensee or permittee must determine whether an actual loss has occurred. If a loss is discovered from the place of storage, the Daily Summary of Magazine Transactions (DSMT) must be reconciled—a full physical inventory is strongly encouraged to reconcile the discrepancies and to prevent future inventory losses. If the loss cannot be accounted for through a reconciliation of records, an ATF F 5400.5, Report of Theft or Loss-Explosive Materials must be completed and sent to ATF, and notification made to the local authorities.

## • Explosives Missing from the Worksite

If the explosive materials appear to be missing from the worksite or the site of operation, a thorough search for the explosives should be made to prevent future theft or injury. Explosives licensees and permittees must complete and send an ATF Form 5400.5 to ATF and notify the local authorities when:

- The whereabouts of the materials are unknown (e.g., an employee misplaces a booster while loading shot holes).
- The whereabouts of the materials are generally known, but they cannot be retrieved due to bad weather or terrain (e.g., explosives dropped from a helicopter into deep snow for avalanche control on a mountain).
- The materials cannot be retrieved because they are inaccessible and all attempts to retrieve and/or destroy the material have failed (e.g., explosives failed to function in a shot hole and are irretrievable using standard safety procedures).

## • Unintentional Destruction

If the explosives material is known to have been destroyed (e.g. mistaken initiation, destruction of the container or delivery vehicle, spillage which cannot be recovered), the product is considered used and no report of loss to ATF is required.

## • Explosives Missing From Delivery

If a loss is discovered during delivery from a distributor or delivery to a worksite, the person

discovering the loss must submit an ATF F 5400.5 to ATF and notify local law enforcement authorities within 24 hours of discovery. That the theft or loss may have occurred prior to the discovering person's receipt or possession of the explosive materials does not affect the immediate reporting requirement. (ATF encourages the receiving licensee or permittee to notify the distributor of the discovered loss after submitting the report.)

## • Prepare ATF Report of Theft or Loss

### (ATF Form 5400.5)

A Report of Theft or Loss—Explosive Materials must be prepared when it is discovered that explosive materials are missing from inventory. Submit the original to the USBDC and keep a copy for your records. The form can be obtained from the ATF Distribution Center or online at <https://www.atf.gov/resource-center/forms-library>. Although the U.S. Bomb Data Center should be notified as soon as possible, Federal law requires notification within 24 hours of the discovery.

## • Notify the Local Law Enforcement Authority

Local Police Telephone Number:

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Although this notification is a requirement for all Federal explosives licensees and permittees, it should be made clear to the authorities that there is no evidence of a crime and that the disposition of these explosive materials is unknown and unrecorded. No local police report number is required to be placed in the disposition records because many departments will not issue a police report if no crime has occurred.

## • Contact U.S. Bomb Data Center (USBDC)

800-461-8841 or 888-283-2662 (ATF-BOMB)

## • Notify ATF of Any Recovered Explosives

It is not uncommon to find explosive materials that initially could not be accounted for or located. It is extremely important that these discoveries be reported to the U.S. Bomb Data Center so that the list of explosives reported missing from inventory can be corrected.

## Incidents Outside of the United States

ATF recommends that all Federal explosives licensees and permittees outside of the United States adopt these safety and security precautions in areas where such precautions are not specifically prohibited by foreign regulation. Thefts, as well as attempted thefts, should be reported to the USBDC. This information may be used to advise other licensees and permittees of a potential threat in the affected areas.

## Federal Explosives Law and Regulations Regarding Stolen Explosives

### Statutory Provisions (18 U.S.C. Chapter 40)

#### ***Title 18 U.S.C. 842(h).***

Title 18 U.S.C. 842(h) states “It shall be unlawful for any person to receive, possess, transport, ship, conceal, store, barter, sell, dispose of, or pledge or accept as security for a loan, any stolen explosive materials which are moving as, which are part of, which constitute, or which have been shipped or transported in, interstate or foreign commerce, either before or after such materials were stolen, knowing or having reasonable cause to believe that the explosive materials were stolen.”

#### ***Title 18 U.S.C. 842(k).***

Title 18 U.S.C. 842(k) states, “It shall be unlawful for any person who has knowledge of the theft or loss of any explosive materials from his stock, to fail to report such theft or loss within twenty-four hours of discovery thereof, to the Attorney General and to appropriate local authorities.”

#### ***Title 18 U.S.C. 844(k).***

Title 18 U.S.C. 844(k) states, “A person who steals any explosive materials which are moving as, or are a part of, or which have moved in interstate or foreign commerce shall be imprisoned for not more than 10 years, fined under this title, or both.”

#### ***Title 18 U.S.C. 844(l).***

Title 18 U.S.C. 844(l) states, “A person who steals any explosive material from a licensed importer, licensed manufacturer, or licensed dealer, or from any permittee shall be fined under this title, imprisoned not more than 10 years, or both.”

#### ***Title 18 U.S.C. 844(p).***

Title 18 U.S.C. 844(p) discusses the theft reporting requirement. It states “(1) In general. A holder of a license or permit who knows that explosive materials have been stolen from that licensee or permittee, shall report the theft to the Attorney General not later than 24 hours after the discovery of the theft. (2) Penalty. A holder of a license or permit who does not report a theft in accordance with paragraph (1), shall be fined not more than \$10,000, imprisoned not more than 5 years, or both.”

## Regulatory Program Provisions (27 CFR, Part 555)

**27 CFR 555.28. Stolen explosive materials.** This regulation states, “No person shall receive, conceal, transport, ship, store, barter, sell, or dispose of any stolen explosive materials knowing or having reasonable cause to believe that the explosive materials were stolen.”

**27 CFR 555.30. Reporting theft or loss of explosive materials.** This regulation states,

(a) “Any licensee or permittee who has knowledge of the theft or loss of any explosive materials from his stock shall, within 24 hours of discovery, report the theft or loss by telephoning 1-800-800-3855 (nationwide toll free number) and on ATF Form 5400.5 (formerly Form 4712) in accordance with the instructions on the form. Theft or loss of any explosive materials shall also be reported to appropriate local authorities.”

(b) “Any other person, except a carrier of explosive materials, who has knowledge of the theft or loss of any explosive materials from his stock shall, within 24 hours of discovery, report the theft or loss by telephoning 1-800-800-3855 (nationwide toll free number) and in writing to the nearest ATF office. Theft or loss shall be reported to appropriate local authorities.”

(c) “Report of theft or loss of explosive materials under paragraphs (a) and (b) of this section must include the following information, if known:

- (1) The manufacturer or brand name.
- (2) The manufacturer’s marks of identification (date and shift code).
- (3) Quantity (applicable quantity units, such as pounds of explosives, number of detonators, etc.).
- (4) Description (dynamite, blasting agents, detonators, etc.) and United Nations (UN) identification number, hazard division number, and classification letter, e.g., 1.1D, as classified by the U.S. Department of Transportation at 49 CFR 172.101 and 173.52.
- (5) Size (length and diameter). ”

(d) “A carrier of explosive materials who has knowledge of the theft or loss of any explosive materials shall, within 24 hours of discovery, report the theft or loss by telephoning 1-800-800-3855 (nationwide toll free number). Theft or loss shall also be reported to

appropriate local authorities. Reports of theft or loss of explosive materials by carriers shall include the following information, if known:

- (1) The manufacturer or brand name.
- (2) Quantity (applicable quantity units, such as pounds of explosives, number of detonators, etc.).
- (3) Description (United Nations (UN) identification number, hazard division number, and classification letter, e.g., 1.1D) as classified by the U.S. Department of Transportation at 49 CFR 172.101 and 173.52.”

**27 CFR 555.34. Replacement of stolen or lost ATF Form 5400.30 (Intrastate Purchase of Explosives Coupon (IPEC)).** This regulation states, “When any Form 5400.30 is stolen, lost, or destroyed, the person losing possession will, upon discovery of the theft, loss, or destruction, immediately, but in all cases before 24 hours have elapsed since discovery, report the matter to the Director by telephoning 1-888-ATF-BOMB (nationwide toll free number). The report will explain in detail the circumstances of the theft, loss, or destruction and will include all known facts that may serve to identify the document. Upon receipt of the report the Director will make such investigation as appears appropriate and may issue a duplicate document upon such conditions as the circumstances warrant.”

**27 CFR 555.165. Failure to report theft or loss.**

This regulation states,

(a) “Any person who has knowledge of the theft or loss of any explosive materials from his stock and fails to report the theft or loss within 24 hours of discovery in accordance with 555.30, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.”

(b) [A]ny licensee or permittee who fails to report a theft of explosive materials in accordance with 555.30 will be fined under Title 18 U.S.C., imprisoned not more than 5 years, or both.

## Licensee/Permittee Responsibility

### Reporting Changes in Responsible Persons and Employee Possessors

Federal law requires: all explosives licensees, permittees, and new applicants to provide information on employee possessors to ATF; and, for responsible persons to provide fingerprints and photographs to ATF, along with other required information, as part of the application process. This is to allow ATF to conduct background checks on new responsible persons and employee possessors as noted in 27 CFR § 555.57(c). These provisions help ensure that explosives do not get into the hands of persons who may use them in criminal or terrorist acts.

Some licensees and permittees have asked when these provisions must be met. As noted in 27 CFR § 555.57(b), “each person holding the license or permit must report to the Chief, Firearms and Explosives Licensing Center, any change in responsible persons or employees authorized to possess explosive materials. Such report must be submitted within 30 days of the change and must include appropriate identifying information for each responsible person. Reports relating to newly hired employees authorized to possess explosive materials must be submitted on ATF F 5400.28 for each employee.”

## Responsible Persons vs. Employee Possessors

### Responsible Persons:

A responsible person is an individual who has the power to direct the applicant's management and policies pertaining to explosive materials.

Examples:

- Explosives facilities site managers.
- Corporate directors and officers, as well as stockholders who have the power to direct management and policies pertaining to explosives.

### Employee Possessors:

An employee possessor is an individual who has the actual or constructive possession of explosive materials during the course of his/her employment.

### Actual Possession:

This occurs when a person physically handles explosive materials including when he or she handles explosive materials as part of the production process; handles explosive materials in order to ship, transport, or sell them; or uses explosive materials.

### Constructive Possession:

This exists when an employee lacks direct physical control over explosive materials; but, has the power and intention to exercise dominion and control over the explosive materials either directly or indirectly through others.

Examples:

- An employee at a construction site who keeps the keys for the explosives magazines.
- An employee who directs the use of explosive materials by other employees.

**Please Note:** An employee possessor must be an employee of the licensee or permittee. Volunteers are not employees.

Any questions on these requirements should be addressed to the Explosives Industry Programs Branch or the Federal Explosives Licensing Center.

## Identification of Explosives in Records

Accurate identification of explosive materials is critical to the safety and security of the public. The regulation at 27 CFR § 555.109 requires each licensed manufacturer or importer of explosive materials to use legible marks to identify all explosive materials manufactured or imported for sale or distribution. The marks of identification include the importer's location (city and State), the manufacturer's location (city and State/country) and the date and shift of manufacture (including the date/shift for explosives manufactured overseas). The licensed importer or manufacturer must place these marks on each cartridge, bag, or other immediate container of explosive materials manufactured for sale or distribution. The marks of identification must also be placed on the outside container, if any, used for their packaging.

Federal explosives licensees and permittees receiving explosives must record the importer's and manufacturer's marks of identification in their acquisition and disposition records. Be aware that commercial explosives manufacturers use an alphanumeric series called a date shift code that provides the location, date, and shift of manufacture. The date shift code is printed on the product or package. The date shift code is not to be confused with other alphanumeric codes that may appear on packages of explosives, such as U.S. Department of Transportation (DOT) classification codes, UN numbers, and DOT exemption numbers.

Accurately identifying explosives in your acquisition and disposition records ensures that explosives can be traced in the event that they are lost, stolen, or recovered in a crime.

## Recordkeeping Requirements

The regulations at 27 CFR 555, Subpart G, require explosives licensees and permittees to keep permanent records of the acquisition, disposition, and inventory of explosive materials. ATF relies on explosives licensees and permittees to make accurate and timely entries into their records. These records are essential in accounting for explosives inventory and identifying lost or stolen explosives. They are also an extremely important source of information for law enforcement during a criminal investigation. Persons holding multiple licenses or

permits are required to prepare and maintain records for each license or permit. The information entered into the records is dependent upon the type of explosives license or permit. The regulations do not require a specific record format; however, ATF has provided the following samples to guide you when preparing your permanent records of acquisition, disposition, and inventory. Additional publications concerning recordkeeping requirements are available online at <http://www.atf.gov/resource-center/publications-library>.

Daily Summary of Magazine Transactions				
Date	Name or Brand Name of Manufacturer	Quantity In	Quantity Out	Balance

Refer to 27 CFR 555.127

## Recordkeeping Requirements (continued)

Dealer of Explosives Record of Acquisition					
Date of Acquisition	Name or Brand Name of Manufacturer and Importer (if any)	Manufacturer's Marks of Identification	Quantity	Description	Name, Address and License or Permit Number of Distributor

Refer to 27 CFR 555.124(b)

Dealer of Explosives Record of Disposition					
Date of Disposition	Name or Brand Name of Manufacturer and Importer (if any)	Manufacturer's Marks of Identification	Quantity	Description	License or Permit Number of Distributee

Refer to 27 CFR 555.124(c)

Importer of Explosives Record of Acquisition				
Date of Importation or Other Acquisition	Name or Brand Name and Country of Manufacturer	Manufacturer's Marks of Identification	Quantity	Description

Refer to 27 CFR 555.122(b)

Importer of Explosives Record of Disposition					
Date of Acquisition	Name or Brand Name and Country of Manufacturer	Manufacturer's Marks of Identification	Quantity	Description	License or Permit Number of Distributee

Refer to 27 CFR 555.122(c)

## Recordkeeping Requirements (continued)

Manufacturer of Explosives Record of Acquisition			
Date of Manufacture or Other Acquisition	Manufacturer's Marks of Identification	Quantity	Name, Brand Name or Description and Size

Refer to 27 CFR 555.123(b)

Manufacturer of Explosives Record of Use		
Date of Use	Quantity	Description

Refer to 27 CFR 555.123(d)

User of Explosives Record of Acquisition					
Date of Acquisition	Name or Brand Name of Manufacturer	Manufacturer's Marks of Identification	Quantity	Description	Name, Address and License or Permit Number of Distributor

Refer to 27 CFR 555.125(b)

User of Explosives Record of Disposition (Surplus Stock)					
Date of Disposition	Name or Brand Name of Manufacturer and Importer (if any)	Manufacturer's Marks of Identification	Quantity	Description	License or Permit Number of Distributee

Refer to 27 CFR 555.125(b)(4)

## Explosives Storage Requirements

The Federal explosives regulations at 27 CFR, Part 555, Subpart K, outline the requirements for the storage of explosive materials by any person. Section 555.205 specifies that all explosive materials must be kept in locked magazines meeting the standards in Subpart K, unless they are:

- (a) In the process of manufacture;
- (b) Being physically handled in the operating process of a licensee or user;
- (c) Being used; or
- (d) Being transported to a place of storage or use by a licensee or permittee or by a person who has lawfully acquired explosive materials under § 555.106.

Please note that items that have received a specific exemption from ATF are exempt from storage requirements outlined in Subpart K.

When none of the above conditions apply, this section mandates that explosive materials must be kept in magazines that meet the construction and table of distance requirements of Subpart K. Any divergence from these requirements requires prior approval by the Director, ATF, in accordance with the provisions of 27 CFR § 555.22. Persons with questions on this issue should contact the Explosives Industry Programs Branch in ATF Headquarters by phone at 202-648-7120 or by e-mail at EIPB@atf.gov.

Remember that you are responsible for ensuring that any contingency storage you use complies with ATF construction and locking requirements. Contingency storage must be reasonably close to the event or business premises (i.e., the distance should be reasonable for transport of unused or surplus product back to the contingency storage).

## Binary Explosives

ATF would like to remind those who manufacture, distribute, import, use, or store binary explosives of the vital importance of security safeguards for these materials. After a binary explosive is mixed, it is, by definition, an explosive and must be transported, used, and stored as an explosive. Whether the explosive materials are in the process of manufacture, in storage, or in use, we urge everyone to take all necessary measures to safeguard explosive materials and prevent them from falling into the hands of those who may use them in criminal or terrorist acts.

We encourage all persons involved with binary explosives to report any suspicious behavior or unusual activity surrounding these materials to ATF and to local law enforcement authorities. Suspicious behavior may include a customer attempting to purchase large quantities of binary explosive materials while knowing little about the product. Unlike regulated explosives materials, ATF does not require persons to report the theft of precursor or binary explosive components. However, we request that everyone voluntarily report any theft or loss of these chemical explosive precursors to the local law enforcement authority and to the USBDC.

**Note:** A Federal explosives license is required to manufacture (mix) binary explosives for sale, distribution, or your own business use. Also, users of binary explosives must comply with their state and local explosives regulations regarding binary explosives and their use.

# Chemical Safety and Security

Explosives manufacturing facilities involved in the decontamination, demilitarization, or demolition of explosive and pyrotechnic materials face increased risks. These risks include explosives of unknown origin and/or chemical compositions with unknown sensitivity or behavior.

ATF would like to remind all Federal explosives licensees and permittees to follow all Federal, State, and local safety regulations to reduce the risks associated with the handling of precursor chemicals and explosive materials. Worker and public safety must be the primary focus particularly when dealing with precursor, explosive, and pyrotechnic materials. ATF also recommends the following outreach activities for explosives industry members:

## 1. Educate Employees

Educate employees to recognize potential hazards and signs of danger. Instruct them on emergency reporting and evacuation procedures.

## 2. Meet with First Responders

- Invite first responders in the area to visit your storage or operational site. Make sure they are aware of the location of any safety equipment already in place at the facility and critical areas to be avoided in the event of a fire or other accident.
- If available, provide Material Data Safety Sheet (MSDS) information, including fire-fighting procedures, to first responders.

## 3. Meet with Federal, State, Local, and Tribal leaders

- If possible, provide and explain risk information associated with your site.
- Request assistance in planning for and coordinating preparedness and response activities for large scale emergencies.

## 4. Executive Order 13650.

ATF recommends that you review Executive Order 13650 Improving Chemical Facility Safety and Security. Additional safety and security information is available from the DHS online at <http://www.dhs.gov/topic/chemical-security>.

## Guide to Recording Suspicious Person Description

**PLEASE RECORD AS MUCH INFORMATION AS POSSIBLE**

SEX	RACE	AGE	HEIGHT	WEIGHT	WEAPON TYPE
-----	------	-----	--------	--------	-------------

HAIR			HAT (color, type)
GLASSES TYPE			TIE
COMPLEXION			SHIRT
SCARS/MARKS			COAT
TATTOO			TROUSERS
JEWELRY			SHOES

AUTO LICENSE, MAKE, COLOR	DIRECTION OF TRAVEL
ADDITIONAL INFORMATION	

*Make additional copies of this page and keep them in areas that are readily available to employees.*



**U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives  
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For more information visit:

**www.atf.gov**

