

ATF EXPLOSIVES Industry Newsletter

June 2001

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Branch Chief William Spruce

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Branch Chief Mark Murray

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Branch Chief Phil Durham

A Message from the Chief, Arson & Explosives Programs Division

The purpose of the Federal Explosives Law "is to protect interstate and foreign commerce against interference and interruption by reducing the hazard to persons and property arising from misuse and unsafe or insecure storage of explosive materials."

Having been entrusted to administer the Federal explosives laws (Title 18 USC Section 846), ATF understands the importance of partnering with the explosives industry and public safety agencies to meet that obligation. For successful partnerships to flourish, an essential ingredient is consistent two-way communication of information. This quarterly industry newsletter is one of the tools ATF has developed to deliver timely information to ATF-licensed explosives manufacturers, dealers, and importers, as well as permittees, industry professionals, and military/civilian bomb technicians. We hope that each of our readers feels free to contact ATF on any explosive issue.

International Explosives Assistance

International Group Meets to Discuss Explosives Protocols

AEPD personnel traveled to Vienna, Austria, in March to meet with an international group of explosives experts convened by the United Nations. The group, consisting of experts from France, South Africa, Turkey, Italy, Japan, Korea, Mexico, Iran, India, the Russian Federation, Ukraine, Brazil, Columbia, Peru, and the Czech Republic, met to discuss whether there is a need for uniform international explosives protocols to combat transnational explosives trafficking and misuse. The group agreed to distribute a survey to UN member nations to identify any need for such a protocol. AEPD Chief Hummel attended this UN meeting with Arson and Explosives National Repository Branch (AENRB) Chief Bill Spruce, who is the U.S. explosives expert representative.

ATF Responds to Foreign Requests for Assistance

During the first quarter of 2001, special agent certified explosives specialists (SACES), explosives enforcement officers (EEOs), forensic chemists, and special agent certified fire investigators (SACFI) assisted the governments of Peru, Colombia, Guatemala, Kenya, The Federated State of Micronesia, and the United Kingdom on explosives-related issues.

Details of Enschede Fireworks Now on the Internet

The May 2000 explosion at the SE Fireworks premises in Enschede, the Netherlands, was one of the worst disasters in the fireworks



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AND SAFER AMERICA

industry in recent memory. The event resulted in the deaths of at least 19 persons, and more than 900 others were injured. The explosion destroyed the SE Fireworks facility and caused tremendous damage to homes in the surrounding neighborhood.

The Dutch government subsequently requested assistance from experts in Germany, Great Britain, and the United States to help assess the probable causes of the explosion and steps to be taken to prevent such an event from occurring in the future. A committee to investigate the disaster was established, and personnel from ATF's Arson and Explosives Programs Division met with Dutch officials to help them in their assessment. In our last newsletter, we mentioned the warm thanks the Dutch government extended to us for our assistance.

The SE Fireworks company had been in the fireworks business since the 1970s. The company stored and sold both display and consumer fireworks. A fire of indeterminate origin started shortly before 3:00 p.m. in the central work area of the complex. This fire quickly escalated and led to a series of small explosions, beginning approximately 10 minutes after the initial fire. The fire then spread to the adjacent storage areas, which contained an estimated 177 tons of fireworks. An estimated 90 percent of these were display fireworks. Once the fire reached this storage area, several major explosions occurred,

culminating in a massive final explosion that caused the death and destruction noted above. The photograph below of the site of the explosion and subsequent fire graphically depicts the extent of the devastation that ensued.

The Royal Netherlands government released its preliminary report on the results of the investigation in March. The investigating committee's report noted that the initial fire was able to escalate due to a lack of proper safety and storage procedures. A copy of the report is available on the Internet at:

www.minbzk.nl An English language version of the report may be found in a Subsection of the website entitled "**Eindrapport de Vuurwerkram in Enschede - Final Consideration (Engels)**"

Philadelphia Field Division Bombing Incidents

The Philadelphia Field Division, along with other Federal and State agencies, is investigating a series of explosives incidents in northern Chester and western Montgomery Counties in eastern Pennsylvania. Nine incidents involving twelve improvised explosive devices occurred from March 2000 through January of this year. Five of the devices detonated, causing

damage to property. Fortunately, no injuries have occurred up to this point. In addition, several hoax devices have been planted in the area, resulting in law enforcement response and investigation.

The components of the improvised devices are readily available to the public at hardware stores and through federally licensed dealers. ATF is requesting public assistance regarding this investigation. If you have observed any person(s) making suspicious purchases



of explosive materials or other materials that may be utilized to manufacture an improvised explosive device please contact ATF at **(888) ATF-BOMB**.

Following is a sketch of an individual wanted for questioning in relation to this investigation. ATF is offering a \$5,000 reward for information leading to the arrest and conviction of the person(s) responsible for these bombing incidents.



Black Powder Sales

All persons or companies that sell black powder, regardless of quantity, must be licensed as explosives dealers and must provide adequate storage. A “black powder exemption” does allow individuals to purchase up to 50 lbs. of commercially manufactured black powder without regard to the generally-applicable Federal explosives controls if the black powder is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices (see 18 U.S.C. § 845(a)(5); 27 C.F.R. § 55.141(b)). The use of black powder in any other manner or in quantities greater than 50 pounds, even for sporting, recreational, or

cultural purposes, is not exempt from ATF regulation. In addition, please be aware that the exemption under Federal law confers no privilege with respect to State or local laws or regulations, and you should always check with the appropriate State or local officials on any quantity restrictions and licensing, permit, or storage requirements.

Barricades

ATF frequently receives questions on what constitutes a proper barricade for the table-of-distance requirements noted in 27 CFR 55.218, **Table of Distance for storage of explosive materials**. Generally, ATF recognizes both natural barricades and artificial (man-made) barricades as meeting the requirements for separating magazines from other magazines or from other specified areas if they afford proper protection in the following manner:

Natural Barricades

Natural barricades include hills or other terrain features that lie between a magazine and an inhabited building, road, or highway used by the general public, or from a passenger railway. Trees may be considered a natural barricade, but visibility must be gauged when they are bare of leaves.

Artificial Barricades

ATF requires that an artificial barricade be made of earth or sand at least 3' thick through any line from the magazine to the other specified areas.

Requirements Applicable to All Barricades

In addition to meeting the above requirements, in order to be properly barricaded, a straight line from the top of any sidewall of the magazine to the eave line of any other magazine or building or to a point 12 feet above the center of a railway or highway must pass through the barricade.

The foregoing requirements for barricades are general in nature. Should you have any questions on the construction requirements for an artificial barricade or on any other issue pertaining to barricades, please contact your nearest ATF office or the Public Safety Branch at ATF Headquarters for specific information.

Safety, Storage, and Illegal Devices

ATF would like to remind all persons in the fireworks industry—both the commercial display fireworks industry and those involved in the production, sale, or distribution of consumer fireworks—of the need to observe the highest levels of safety and sound practice. ATF is particularly concerned with unsafe storage of display fireworks. Persons using display fireworks are cautioned that the fireworks must be kept in proper storage magazines meeting all applicable tables of distances unless they are in the actual process of being manufactured, transported, or set up for use.

Items commonly known by various street names, including M-80's, M-100's, cherry bombs, silver salutes, quarter sticks, and other similar fireworks-type items that contain explosive composition in excess of the limits set by the U.S. Consumer Product Safety Commission (CPSC) in Title 16, CFR 1500 and 1507, and which have not been tested and approved for commerce by the U.S. Department of Transportation, are restricted by CPSC and DOT Regulations.

Moreover, as with other explosive materials, it is illegal to engage in the business of manufacturing or dealing in these items without a Federal explosives license. It is also unlawful to participate in interstate commerce involving these items without adherence to ATF's licensing and permitting requirements.

Anyone with knowledge of the unlawful interstate commerce in these types of items is asked to notify the nearest ATF office, and State and local authorities. You may also contact ATF at (800) 800-3855 with such information.

Special Events Fireworks Variances

ATF recognizes the many problems encountered by the fireworks industry when setting up a large display for the 4th of July and similar events. One of ATF's primary goals with respect to fireworks and other explosives is to protect public safety, while not placing an undue burden on the industry. We occasionally get requests to temporarily store fireworks in a vehicle prior to the staging of a large event. When these variances are approved, they are subject to the following minimum conditions, which must be observed at all times:

1. The vehicle(s) must be locked with keys removed and brake set.
2. The vehicle(s) is/are immobilized using a steering wheel locking device.
3. The vehicle(s) must be placarded as required by the U.S. Department of Transportation (DOT).
4. A daily summary of magazine transactions is kept, as required by 27 CFR 55.127.
5. The temporary storage does not exceed 72 hours.
6. The vehicle(s) is/are in compliance with the Table-of-Distance requirements contained in 27 CFR 55.224 for storage of Display Fireworks.
7. The vehicle(s) will be attended at all times for security purposes.
8. The housekeeping requirements of 55.215 relating to rubbish, dry grass, and volatile materials must be met.
9. The authority having jurisdiction for fire safety in the locality where the explosive materials are being temporarily stored has been notified.

While ATF will make every effort to timely respond to variance requests, we recommend requests be submitted in writing to the PSB at least 60 days in advance of the event. This will allow ATF sufficient time to review the request and ensure that the requirement to protect public safety is met.

Please remember that all variances must be approved by the Public Safety Branch in writing, in advance.

First Quarter 2001 Explosives Thefts

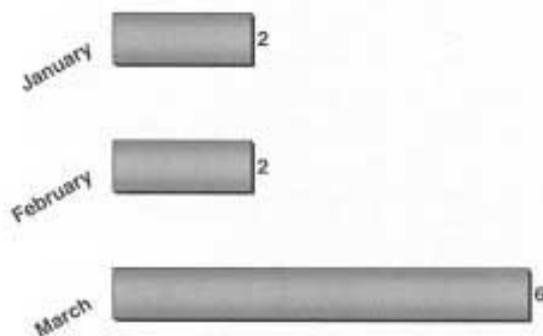
Thefts of explosives continue to be a problem of extreme importance. As always, you are reminded of the need to promptly report thefts or losses of explosive materials to ATF, as well as to State and local authorities. The following is a summary of explosives thefts in the first quarter of this year, compiled by the Arson and Explosives National Repository Branch.



Theft of Explosives

First Quarter - 2001

Number of Incidents

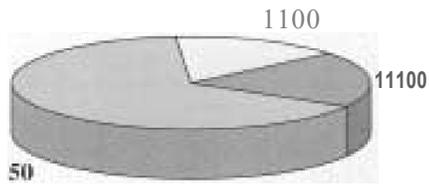


Theft of Explosives

First Quarter - 2001

Blasting Agents

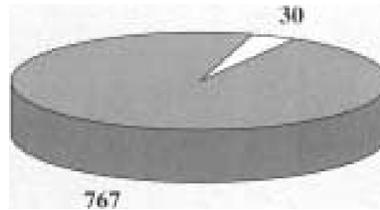
in pounds



- Ammonium Nitrate/Prills
- ANFO
- Blasting Agent

High Explosives

(in pounds)

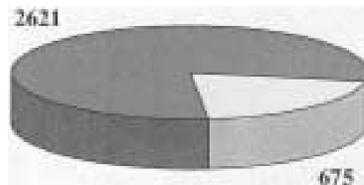


- Booster
- Dynamite

Theft of Explosives

First Quarter - 2001

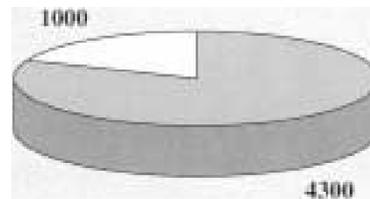
Detonators



- Electric Detonators
- Non-Electric Detonators

Other Explosives

(in feet)



- Detonating Cord
- Safety Fuse

Address and Phone Number Corrections

The January 2001 Newsletter listed the addresses and phone numbers for each of the ATF Field Divisions. However, several of the Field Divisions have relocated or changed their phone numbers since the previous list was compiled. Please note the address or phone number changes for the following Field Divisions:

Baltimore Field Division 31 Hopkins Plaza, 5th Floor Baltimore, MD 21201-2505 (410) 779-1700	Tampa Field Division 501 E. Polk Street, Suite 700 Tampa, FL 33602-3949 (813) 228-2021
Charlotte Field Division 6701 Carmel Road, Suite 200 Charlotte, NC 28226-3983 (704) 716-1800	Nashville Field Division 5300 Maryland Way, Suite 200 Brentwood, TN 37027-5027 (615) 781-5364
Louisville Field Division 600 Dr. Martin Luther King, Jr. Place Suite 322 Louisville, KY 40202-2239 (502) 582-5211	New Orleans Field Division 111 Veterans Memorial Boulevard Heritage Plaza Building, Suite 1008 Metairie, LA 70005-3028 (504) 841-7000

Questions?

We will be distributing the Explosives Industry Newsletters on a regular basis and welcome any questions or items of discussion that you would like to have presented. To submit a topic, contact the PSB in Washington, DC, by mail, phone, or fax, as follows:

Bureau of Alcohol, Tobacco and Firearms - Public Safety Branch
Room 680, Tech World South Building, Washington, DC 20001
Phone: (202) 927-7930 Fax: (202) 927-8887

You can also send your questions by e-mail directly to the editor: Ebaker@CINC.ATF.TREAS.GOV

Newsletter Distribution

Have you recently changed your address, or do you know someone in the industry not currently on the distribution list who may wish to receive the ATF Explosives Newsletter? If so, please notify the Public Safety Branch by phone, or fax us the following information and we will change your address or add the new names to the distribution list.

Name: _____

Company: _____

Address: _____

City/State _____ Zip code _____

Phone No. (optional) _____ e-mail: (Optional) _____



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