

ATF

Safety and Security Information For Federal Explosives Licensees and Permittees



Table of Contents

ATF Office/Hotline Telephone Numbers and Addresses.....	3
Security Reminder	
What ATF Is Doing.....	4
The ISEE and IME’s Commitment	5
Voluntary Security Checklist	7
Procedures to Follow When Explosives Are Taken in a Crime	9
<i>(e.g., Theft)</i>	
Procedures to Follow When Explosives Are Missing From Inventory	10
<i>(e.g., Disposition Unrecorded/Unknown)</i>	
Federal Stolen Explosives Laws and Regulations	11
Regulatory Program Provisions (27 CFR, Part 555).....	12
Licensee/Permittee Responsibility.....	13
Reporting Changes	13
Responsible Persons vs. Employee Possessors.....	14
Identification of Explosives in Business Records	15
Recordkeeping Requirements	15
Explosives Storage Requirements	18
Guide to Recording Suspicious Person Description.....	19

ATF Office/Hotline Telephone Numbers and Addresses

ATF 24-Hour Hotline..... Toll Free 800-800-3855

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

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

Local ATF Office Telephone Number (**see our Website for contact information*)

ATF Website (*For Updates and to Download Forms*)..... www.atf.gov

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
650 Massachusetts Avenue, NW.
Room 5000
Washington, D.C. 20226

ATF Distribution Center 703-455-7801

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. 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 1) keeping explosives out of the hands of those with criminal intent and 2) 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, or 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.

For example, immediately following the 1995 bombing of the Murrah Federal Building in Oklahoma City, ATF formed an alliance with The Fertilizer Institute (TFI) and other agriculture industry members to put forward a program called “Be Aware for America.”

This program encouraged agriculture industry members to report any suspicious activities or thefts of ammonium nitrate, a precursor chemical often sought after by those with criminal intent, to ATF.

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. Each of these initiatives sought to raise industry members’ awareness about potential security vulnerabilities relating to ammonium nitrate and give them ideas on how to fix potentially dangerous problems.

After 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 was very successful in this initiative and will use this information for developing future outreach programs.



Security Reminder

Whenever the country's threat level is raised in response to the Department of Homeland Security's advisories, ATF has contacted industry members through the ISEE, the IME, and other explosives organizations. These organizations get in touch with their own members to urge them to provide extra security at their facilities and report anything suspicious to ATF or other law enforcement authorities.

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. Those 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.

Finally, ATF's personnel, using agency resources such as the U.S. Bomb Data Center (USBDC), the Explosives Technology Branch, and the Forensic Science Laboratories, remain dedicated to the aggressive pursuit and prosecution of those who divert explosives into the illegal market, those who steal explosives, and those who illegally possess or misuse explosive materials. It was this dedication that led to the successful prosecution of domestic terrorist Eric Rudolph.

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



**International Society of
Explosives Engineers**

The 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 the ISEE's annual conventions and at IME's meetings.

IME

institute of makers of explosives

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), they outline guidelines that industry members should 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. Copies of this and other SLPs are available from the IME at 202-429-9280 or by visiting their Website at www.ime.org. A copy may also be obtained through the ISEE Blaster's Library at www.isee.org/publications, or 440-349-4400.

The following list, taken directly from the IME's 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.** Of course, public safety authorities (such as fire, police, and local emergency management) should be in possession of specific information regarding the quantities and location of explosives storage facilities.
- 2. Get to know your local law enforcement and local emergency planning committee (LEPC) personnel and get them 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 to law enforcement of your site, but provides invaluable face-to-face interaction with these authorities. If you cannot get law enforcement or LEPC personnel to visit your site, visit them. 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).

Security Reminder

3. 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;
- 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; and
- Explosives-laden vehicles being followed.

If you encounter any such activity, write down information such as vehicle color, make, license number and State, and a physical description of suspicious individuals as soon as possible after noticing them. Take a photograph if possible. 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, if the security coordinator cannot be contacted, their immediate supervisor. 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 (or similar business) operations 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 declaration of threat level higher than “Yellow” or “Elevated” by DHS. How to deal with shipments, production, and blasting operations in progress should be well understood by all employees beforehand. In the event of an Orange or Red Alert, additional security measures should be considered for implementation on a site-specific basis, in view of the type and scope of the specific alert.

6. Disseminate increased security alerts and security recommendations such as these 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 and are not escorted before their services are used. Include a security element in contractor or service provider indoctrination training.

9. Develop security plans and conduct vulnerability assessments for your entire operation.

Voluntary Security Checklist

Note: This checklist provides **voluntary** suggestions that industry members can use to make their businesses more secure. These suggestions **are not** required by ATF, but are only to serve as a helpful guide for securing explosive materials.

1. Controlling Access to Keys

- Access to the keys for your storage magazines and for trucks loaded with explosives should be restricted to essential personnel only. It also helps to keep your keys in a secure, unmarked area, preferably not in a central location at the premises.
- Having a logbook for essential personnel to sign in and sign out keys can also enhance security and can be useful in tracking down a missing set of keys. Alternatively, you could number or mark keys and assign them to specific individuals.
- If you do not share keys, conducting an inventory of keys can help ensure that all keys are currently accounted for. You could conduct a yearly inventory of keys at the same time as your required inventory of explosive materials.
- You should change magazine locks if keys are missing or remain in the possession of terminated employees. This will help ensure that only your current employees have access to your magazines. You should create an internal policy for your company that instructs employees with access to keys to refrain from duplicating the keys without authorization.

2. Securing Your Magazine

- Although ATF recognizes that most licensees and permittees are already keeping their magazines in secure locations and are complying with the Federal requirement to visually inspect their magazines once every 7 days, you may want to consider inspecting readily accessible magazines on a daily basis. These inspections 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.

- Consider using locks with “forcing” and “surreptitious entry” ratings of at least “five” in the American Society for Testing Materials’ (ASTM) F883-97, Standard Performance Specification for Padlocks. For referenced ASTM standards, visit the ASTM Website, www.astm.org, or contact ASTM Customer Service at service@astm.org. For the Annual Book of ASTM Standards volume information, refer to the Standards Document Summary page on the ASTM Website.
- Licensees and permittees may also consider the need to conduct regular inventories more often than once per year to ensure that there have been no thefts/losses of explosive materials.
- This booklet provides you with a clearly defined plan of action for recording and reporting lost or stolen explosive materials. It is also recommended that you obtain all applicable Federal, State, and local agency telephone numbers in order to make a report.

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 prevent further exposure of the magazines to theft or 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 could be posted in highly visible places to deter unauthorized access.
- Contacting your local law enforcement agency and establishing a rapport with the officers who routinely patrol your area could be beneficial to your security. Familiarize them with your business hours so they can alert you when people are present during off hours.

Voluntary Security Checklist

- 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), or State agencies may have additional rules and requirements for securing storage sites. It is recommended that you contact these agencies for information on their requirements.

4. Updating Employee Backgrounds

- The best way to know who is working for you is to frequently update your list of responsible persons and employee possessors. Your company could establish an internal program to review these checks and update them as required.

5. Getting to Know and Recognize Your Vendors

- To the degree possible, encourage your employees to recognize which vendors service your facility. Have the vendor's telephone number(s) readily available to help your employees contact a vendor if they need to 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.

6. Knowing Your Customer

- Although all persons ordering or receiving explosive materials must be licensed or permitted, licensees should also 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.

- Follow-up phone calls to your customer(s) may be useful to ensure that the customer(s) received the correct amount of explosive materials when a common or contract carrier is used to deliver 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 if you believe further investigation is required.

Procedures to Follow When Explosives Are Taken in a Crime (*e.g., Theft*)

- **Contact Local Law Enforcement Authorities**

Local Law Enforcement Telephone Number:

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:

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**

Telephone Numbers: 1-800-461-8841 or 1-888-283-2662 (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 safe. Do not disturb the crime scene until law enforcement authorities have completed evidence gathering. Unless you are asked to assist, avoid the temptation to assess damage/losses until they 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 a theft of explosives from a licensee or permittee's inventory occurs. Submit the original to ATF and keep a copy for your records. 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 ATF of Any Recovered Explosives**

It is not uncommon to find that explosive materials initially thought to have been part of a group of stolen materials were in fact sold lawfully or are still in inventory. If explosive materials are inaccurately reported as stolen, it hampers law enforcement's ability to solve the crime or may jeopardize prosecution. Please immediately correct inaccurate reports.

Procedures to Follow When Explosives Are Missing From Inventory (e.g., *Disposition Unrecorded/Unknown*)

- **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 U.S. Bomb Data Center and keep a copy for your records. The form can be obtained from the ATF Distribution Center or from www.atf.gov.

Although the U.S. Bomb Data Center should be notified as soon as possible, Federal law requires notification within 24 hours of the discovery.

A full inventory check is also highly recommended (but not required) to locate missing explosives and to prevent future inventory losses.

- **Notify the Local Law Enforcement Authority**
Local Police Telephone Number:

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/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**
Telephone Numbers: 1-800-461-8841 or 1-888-283-2662 (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.

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives
OMB No. 1540-0024 (03-75-2000)

Report of Theft or Loss-Explosive Materials

For ATF Use Only

Date Received: _____ Time Received: _____ Unique Identifier: _____

Upon discovery of any theft or loss of any of your explosive materials:

- First, contact ATF toll free at 1-800-461-8841 between 9:00 a.m. - 5:00 p.m. EST (or after-hours and weekends contact ATF at 1-888-283-2662) or at 202-448-0044 to report the theft or loss.
- Second, contact your local law enforcement office to report the theft or loss to obtain a police report, and
- Third, complete this form and attach any additional reports, checks or invoices necessary to provide the required information, and fax the form with additional materials to the ATF U.S. Bomb Data Center (USBDCC).

To Be Completed By: Person Making Report

1. Date: _____ 2. Type of Report (Check one): Theft Loss

3. Full Name of Person Making Report (Last, First, Middle): _____ 4. Corporate or Business Name (if applicable): _____

5a. Office Address (Street Address, City, State and Zip Code): _____ 5b. Telephone Number: _____

6. Actual Location of Theft or Loss (If different from 5a): _____

7. Theft or Loss	Date	Time	8. Name of Local Law Enforcement Officer to Whom Reported	
a. Discovered			9. Agency Name and Address of Local Authority to Whom Reported _____ _____ _____	
b. Observed (Show approximate if exact not known)				
c. Reported to ATF by Telephone				10. Telephone Number: _____
d. Reported to Local Authorities				11. Police Report Number: _____

12. Explosive Materials Lost or Stolen (attach invoices or additional sheets, if necessary)

12. Explosive Materials Lost or Stolen (attach invoices or additional sheets, if necessary)				13. Type and Description	
a. Manufacturer	b. Brand Name	c. Date Shift Code	d. Size	e. Quantity (Pounds of Explosives, etc.; include for each type, size, M1 shell number or length of igniter, as applicable)	f. Type and Description (Dynamite, Blasting Agent, Trinitrotoluene, etc.; include for each type, size, M1 shell number or length of igniter, as applicable)

13. Theft or Loss Occurred From (Check applicable box)
 Permanent Magazine Portable Magazine Truck Work Site Other (Explosive) _____

ATF Form 5400.5
Revised January 2000

Federal Stolen Explosives Laws and Regulations

Statutory Program 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(a). Reporting theft or loss of explosive materials. This regulation states, “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.”

27 CFR 555.30(b). Reporting theft or loss of explosive materials. This regulation states, “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.”

27 CFR 555.30(c). Reporting theft or loss of explosive materials. This regulation states, “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).”

27 CFR 555.30(d). Reporting theft or loss of explosive materials. This regulation states, “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(a). Failure to report theft or loss. This regulation states, “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.”

27 CFR 555.165(b). On and after January 24, 2003, any 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

The Safe Explosives Act requires 1) all explosives licensees, permittees, and new applicants to provide information on employee possessors to ATF; and 2) 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): “For all licenses or permits issued on and after May 24, 2003, 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 reports 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.”

For licensing purposes, “changes” in responsible persons and employee possessors refers to those persons hired by the licensee or permittee after the submission of the application or renewal application form to the Federal Explosives Licensing Center.

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 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 knowingly 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. Workers not on the licensee's or permittee's payroll are not employees or employee possessors.

Any further questions on these requirements should be addressed to the Explosives Industry Programs Branch in ATF Headquarters at 202-927-2310, or the Federal Explosives Licensing Center in West Virginia at 1-877-283-3352.

Identification of Explosives in Business 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. Please be careful when identifying explosives and recording the identifying information. 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. These include 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.

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

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

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 (<i>Surplus Stock</i>)					
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(c)

Explosives Storage Requirements

The Federal explosives regulations at 27 CFR, Part 555, Subpart K, outline the storage requirements for explosive materials. 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 Sec. 555.106.


Please note that “exempted” items (items that have received a specific exemption from ATF) are also exempt from the 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, Part 555.22. Persons with questions on this issue should contact the Explosives Industry Programs Branch in ATF Headquarters at 202-927-2310 or through e-mail (EIPB@atf.gov).

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
99 New York Avenue, NE
Washington, DC 20226

For more information visit:
www.atf.gov

