

ATF Update

2024 APA Winter Education Conference

February 22, 2024



Overview

- Explosives Regulations Modernization
- New Rulings
- Updates to Explosives Forms
- IMESA FR
- Explosives Thefts
- Industry Resources

Explosives Regulations Modernization

Phase 1

- Licensing/Permitting
- Recordkeeping
- Definitions
 - Display fireworks
 - Consumer fireworks
 - Articles pyrotechnic
 - Employee

Explosives Regulations Modernization

Phase 2

- Classification
- Quantitative risk assessments

Phase 3

- Storage
- Tables of distances
- Fireworks-specific subpart?

Update to Electronic Records Ruling

- In January 2007, ATF issued Ruling 2007-1
 - Authorized FEL/Ps to maintain electronic/computer records, provided that certain conditions are met
- The updated Ruling 2023-1:
 - Modernizes terminology
 - Provides instructions pertaining to the delivery of electronic records upon discontinuance of business
 - Provides information about the storage of records kept on remote/cloud servers

ATF Ruling 2023-2 – Commercial Records

- Regulation at 27 CFR 555.201 notes that commercial records may be used
 - However, the specific regulations at 555.122 – 555.125 are not consistent in their treatment of commercial records
- Updated ruling clarifies that commercial records may be used as required records, provided that;
 - The records system meets the requirements for a “variance” under 555.23; and
 - The commercial record contains all information required by the applicable regulations at 555.122 – 555.125

Updates to Forms

- ATF F 5400.13/16 – Application for Explosives License or Permit
 - Revised the format and layout to improve user experience
 - Removed the Responsible Person List and accompanying sections
 - Separate form (Part B to application) was created for reporting responsible persons
 - Removed the Explosives Storage Magazine Description Worksheet – added a condensed version under question #17 where the applicant enters the location and number of magazines
 - Removed requirement for a plat plan.

Updates to Forms

- **Separate Form for Reporting Responsible Persons, ATF F 5400.13A/16 Part B – Responsible Person Questionnaire**
 - The format follows that of other ATF background check forms, including requiring the individual applicant to certify that they are not a “prohibited person”

Updates to Forms

- ATF F 5400.28, Employee Possessor Questionnaire updates to discussions with industry associations
 - Name and FEL/P number of previous employers must be entered if known
 - Removed question whether EP is under 21 years of age
 - Medical records reference clarified – applies only to mental health issues

Updates to Forms

- Coming Soon – ATF Form 5400.33 – Application for an Amended Federal Explosives License or Permit, designed for reporting:
 - Change of address
 - Change of trade name
 - Potentially change of control (future use)

Institute of Makers of Explosives Safety Analysis for Risk (IMESAFR)



Institute of Makers of Explosives Safety Analysis for Risk (IMESAFR)

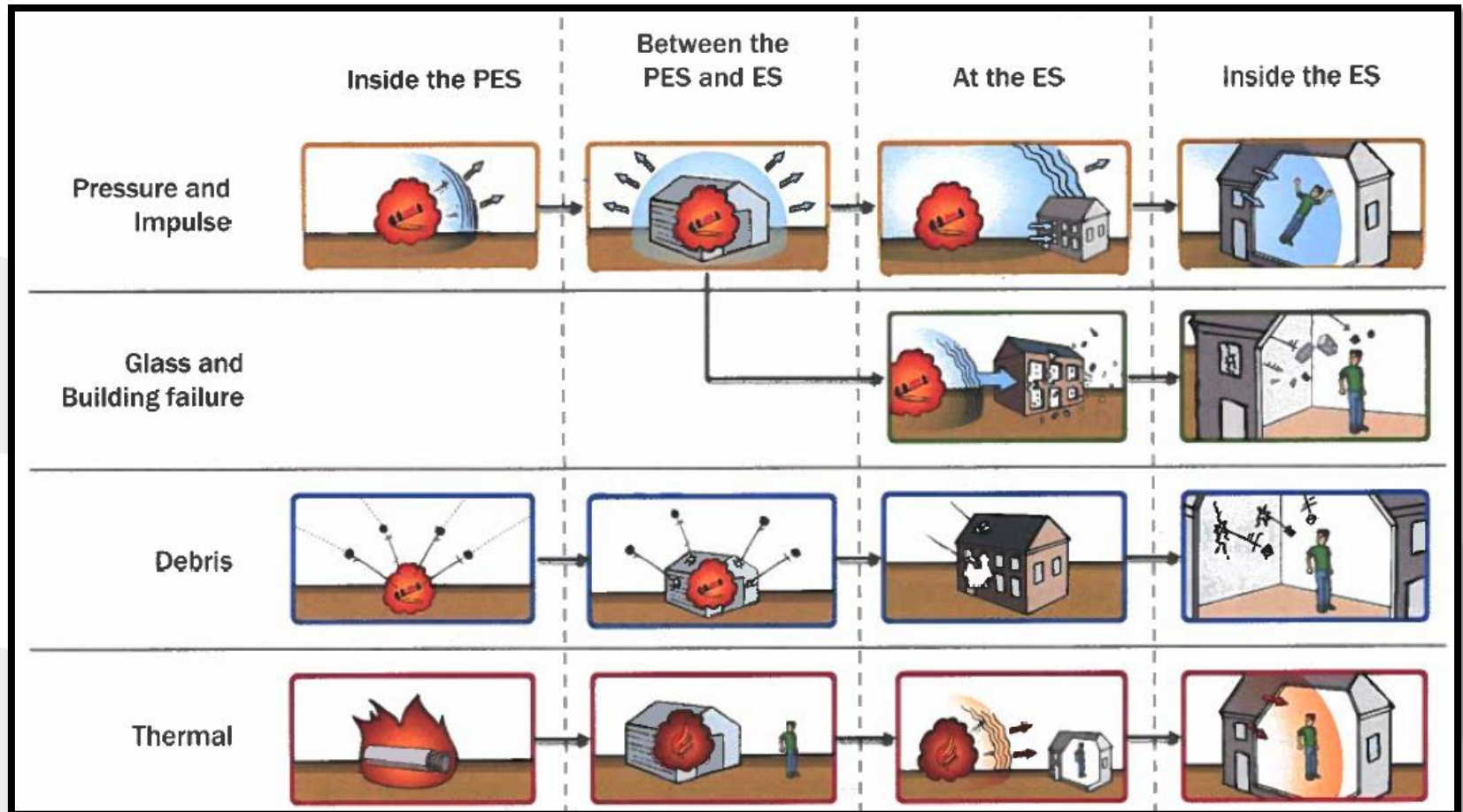
- Probabilistic risk assessment software tool used to calculate risk to individuals from explosives facilities.
- Developed to provide a more comprehensive assessment of overall risk from explosives storage, as well as risk from a variety of other explosives operations (e.g. manufacturing, disposal, assembly).
- Includes ATF's tables of distances for high explosives and blasting agents.
- Calculates individual and group risk in terms of the statistical expectation for loss of life from an explosives event.
- Not intended to evaluate risk from fireworks or pyrotechnic operations – YET!
- Visit A-P-T Research website for more information on purchase and training.

Institute of Makers of Explosives Safety Analysis for Risk (IMESAFR)



Basic Risk Equation		Risk = Probability x Consequence			
Basic Risk Equation to Person(s)		Risk = Probability × [Consequence Level × Exposure]			
Risk to person(s) from explosives events (Annual Risk)	Probability of fatality P_f (P_f per annum)	=	Probability of event P_e (P_e per year)	×	Probability of fatality given an event and a person P_{fr} (Fatalities) × The # of hours/year exposed to explosives E_p (Exposure)
Risk Equation used by IMESAFR	P_f	=	P_e	×	$\frac{[P_{fr} + (1 - P_{fr}) \times (P_{fr})^+] + (1 - P_{fr}) \times (1 - P_{fr}) \times (P_{fr})^+}{(1 - P_{fr}) \times (1 - P_{fr}) \times (1 - P_{fr}) \times (P_{fr})^+}$ × E_p
Expansion of P_{fr} term	Pressure/impulse	$[P_{fr} + (1 - P_{fr}) \times (P_{fr})^+] + (1 - P_{fr}) \times (1 - P_{fr}) \times (P_{fr})^+$			
	Glass and Building Failure	$(1 - P_{fr}) \times (1 - P_{fr}) \times (1 - P_{fr}) \times (P_{fr})^+ + (1 - P_{fr}) \times (1 - P_{fr}) \times (1 - P_{fr}) \times (P_{fr})^+$			
	Debris	$(1 - P_{fr}) \times (1 - P_{fr}) \times (1 - P_{fr}) \times (1 - P_{fr}) \times (P_{fr})^+ + (1 - P_{fr}) \times (1 - P_{fr}) \times (1 - P_{fr}) \times (1 - P_{fr}) \times (P_{fr})^+$			
	Temperature	$(1 - P_{fr}) \times (1 - P_{fr}) \times (1 - P_{fr}) \times (P_{fr})^+$			

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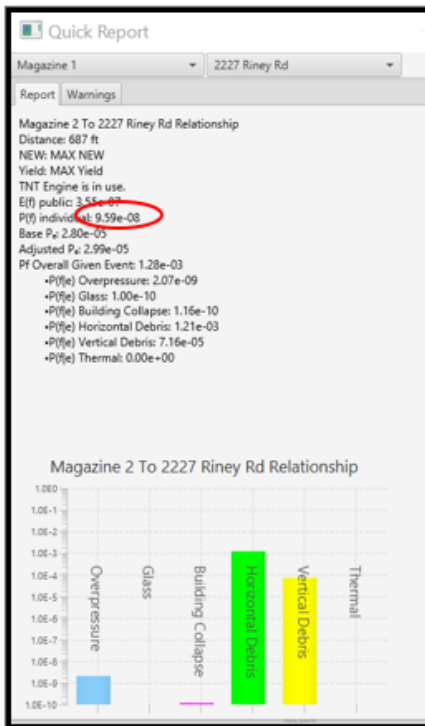
Institute of Makers of Explosives Safety Analysis for Risk (IMESAFR)



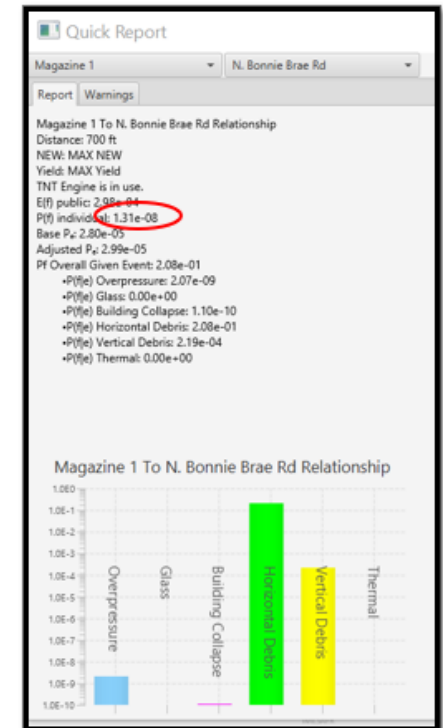
Institute of Makers of Explosives Safety Analysis for Risk (IMESAFR)



Institute of Makers of Explosives Safety Analysis for Risk (IMESAFR)



Group Risk Results	
Maximum NEWQD	
E _f Related Criterion:	1.00E-03
E _f Related:	0.00E+00
E _{maji} Related:	0.00E+00
E _{mini} Related:	0.00E+00
E _f Public Criterion:	1.00E-05
E _f Public:	3.24E-04
E _{maji} Public:	9.71E-05
E _{mini} Public:	6.61E-05



IMESAFR Current & Future Development

- Testing
- Magazine propagation
- Fireworks & Pyrotechnics
- Underground storage

Licensees and Permittees

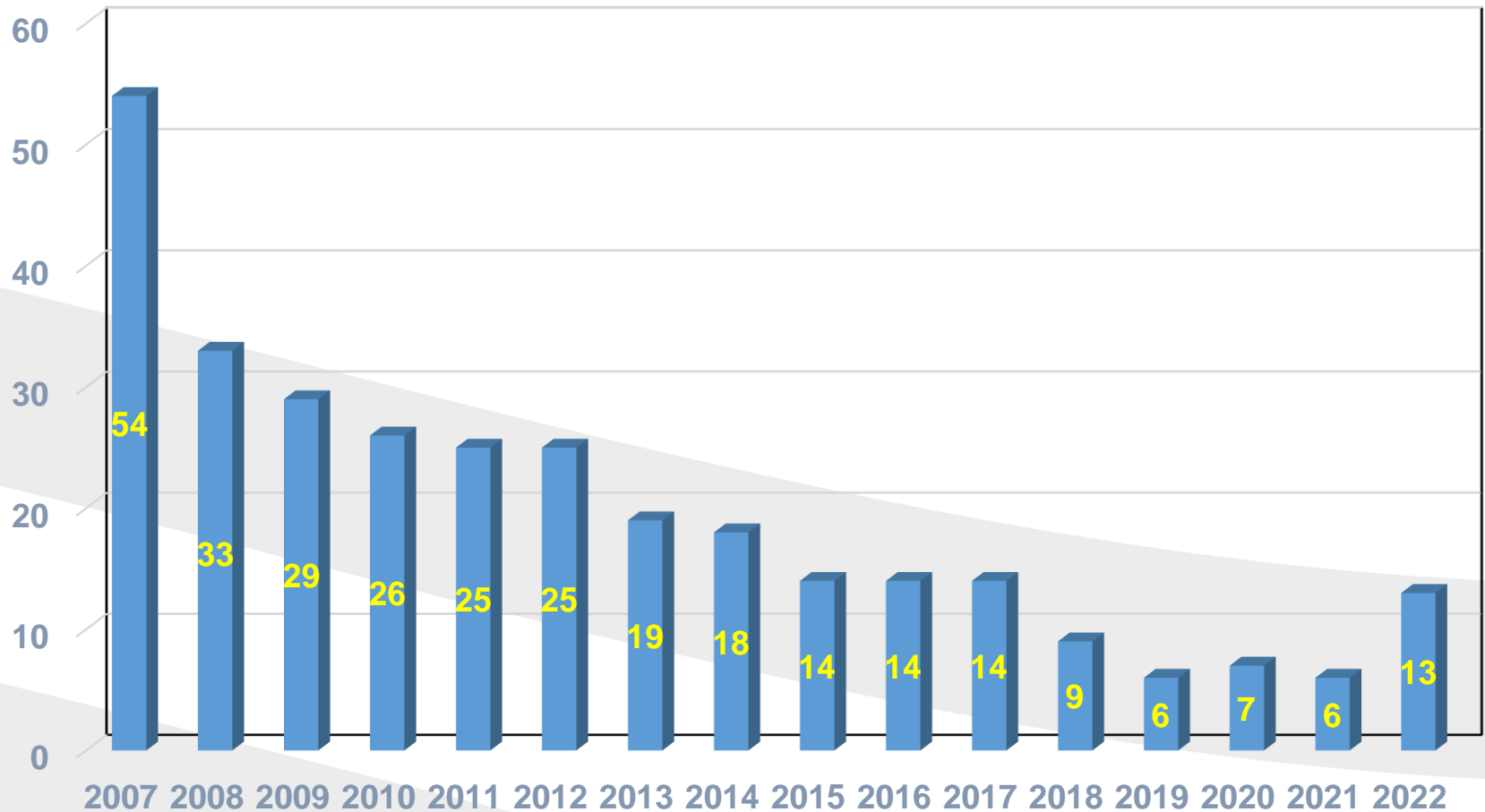
- Total FEL/Ps – 9,164
- Licensees – 3,409
- Permittees – 5,755
- Responsible Persons – 20,029
 - Average 2.18 per FEL/P
- Employee Possessors – 163,071
 - Average 17.8 per FEL/P
- 95,000 background checks per year

Licensees and Permittees

FLS License Type Description	Total
USER OF FIREWORKS (DISPLAY)	2787
USER OF HIGH EXPLOSIVES	2590
MANUFACTURER OF HIGH EXPLOSIVES	1609
USER OF LOW EXPLOSIVES	329
IMPORTER OF HIGH EXPLOSIVES	320
DEALER OF HIGH EXPLOSIVES	308
DEALER OF BLACK POWDER	274
IMPORTER OF FIREWORKS (DISPLAY)	160
DEALER OF LOW EXPLOSIVES	154
MANUFACTURER OF BLASTING AGENTS	138
MANUFACTURER OF FIREWORKS (CONSUMER, DISPLAY AND COMPONENTS)	121
MANUFACTURER OF LOW EXPLOSIVES	103
IMPORTER OF LOW EXPLOSIVES	94
DEALER OF FIREWORKS (DISPLAY)	70
MANUFACTURER OF THEATRICAL FLASH POWDER	56
LIMITED EXPLOSIVE PERMITS	37
USER OF BLASTING AGENTS	12
DEALER OF BLASTING AGENTS	2

Reported Thefts

ATF U.S. Bomb Data Center



e-Regulations

- Regulations website that also contains links to various related guidance documents
 - Rulings, newsletters, links to ATF webpages, forms, etc.
 - <https://regulations.atf.gov>

e-Regulations

Browser address bar: <https://regulations.atf.gov/555-30/2015-25190#555-30>

Page Title: ATF eRegulations | 27 CFR Part 555

Navigation: Regulations About ATF

Subpart C | § 555.30 Effective 10/2/2015 to present.

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- § 555.25 Disclosure of information.
- § 555.26 Prohibited shipment, transportation, receipt, possession, or distribution of explosive materials.
- § 555.27 Out-of-State disposition of explosive materials.
- § 555.28 Stolen explosive materials.
- § 555.29 Unlawful storage.
- § 555.30 Reporting theft or loss of explosive materials.**
- § 555.31 Inspection of site accidents or fires; right of entry.
- § 555.32 Special explosive devices.
- § 555.33 Background checks and clearances (effective May 24, 2003).
- § 555.34 Replacement of stolen or lost ATF Form 5400.30 (Intrastate Purchase of Explosives Coupon (IPEC)).

§ 555.30 Reporting theft or loss of explosive materials.

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 F 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. Reports 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

32 Related documents

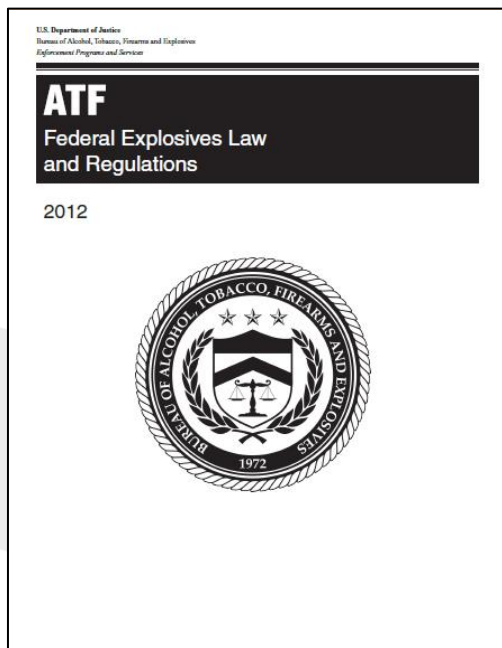
- 1 Ruling
- 1 Form
- 8 Open Letters
- 3 Guides
- 19 Newsletters
- Help
- Print 27 CFR Part 555

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Resources for the Industry

ATF P 5400.7, Federal Explosives Law and Regulations 2012 (ATF Orange Book)

Available on ATF website <https://www.atf.gov/content/library/arson-explosives-publications>



- Newsletter
- Current & previous issues available on-line at <https://www.atf.gov/publications/newsletters/index.html>

Contacts

- Local ATF field offices
www.atf.gov
“Who We Are”/ “Local ATF Offices”
- Explosives Industry Programs Branch (EIPB)
EIPB e-mail address: EIPB@atf.gov
EIPB phone number: (202) 648-7120
- Federal Explosives Licensing Center (FELC)
FELC e-mail address: FELC@atf.gov
FELC phone number: (877) 283-3352