



# ATF Update

## 2024 APA Winter Education Conference

#### February 22, 2024



**U.S. Department of Justice** Bureau of Alcohol, Tobacco, Firearms and Explosives



### Overview

- Explosives Regulations Modernization
- New Rulings
- Updates to Explosives Forms
- IMESAFR
- 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



- 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.



- 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"



- 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



- 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)

- 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 =	Probat	bility $\times \left( \begin{array}{c} C \\ C \end{array} \right)$	onse Le	quence × Exposure	]		
Risk to person(s) from explosives	Probabili of fatali		Probability of event	×	Probability of fatality given an event and a person	×	The # of hours/year exposed to explosives	
events (Annual Risk)	(Prper a	- (такт)	P. (P. per year)	×	P <sub>J#</sub> (Fatalities)	×	E <sub>p</sub> (Exposure)	
Risk Equation used by IMESAFR	P <sub>f</sub>	-	P,	×	$ \begin{array}{c} [P_{ficile} + \\ (1 - P_{ficile})(P_{ficile}) + \\ (1 - P_{ficile})(P_{ficile})(P_{ficile})(P_{ficile}) + \\ (1 - P_{ficile})((1 - P_{ficile})(1 - P_{ficile})(P_{ficile})(P_{ficile}) + \\ (1 - P_{ficile})((1 - P_{ficile})(1 - P_{ficile})(P_{ficile})(P_{ficile})(P_{ficile}) + \\ \end{array} \right) $	×	E <sub>P</sub>	
-	Pressure/impulse			( <i>P</i>	$[P_{\beta b \beta a} + (1 - P_{\beta b \beta a})(P_{\beta b d a}) + (1 - P_{\beta b \beta a})(1 - P_{\beta b d b})(P_{\beta a d b}) +$			
Expansion of P <sub>fr</sub> term		Glass and Building Failure		$\begin{array}{l}(1 - P_{f(n)p})(1 - P_{f(n)p})(I - P_{f(n)p})(P_{f(p)n})^+\\(1 - P_{f(n)p})(1 - P_{f(n)p})(1 - P_{f(n)p})(1 - P_{f(n)p})(1 - P_{f(n)p})(1 - P_{f(n)p})(P_{f(n)p})^+\end{array}$				
	1.5 10	Debris			$\begin{array}{l}(1\!$			
	Temperature			(1	$(1 - P_{form})(1 - P_{form})(1 - P_{form})(P_{form})]$			

PROTECTING THE PUBLIC SERVING OUR NATION

























Quick Report			Magazine 1 🔹 N. Bonnie Brae Rd 👻		
port Warnings			Report Warnings		
gazine 2. To 2227 Riney Rd Relationship tance: 687 ft W: MAX NRW G: MAX Yield E Engine is in use. public: 3.55-67	Group Risk Results		Magazine T To N. Bonnie Brae Rd Relationship Distance: 700 ft NEW: MAX NEW Yield: MAX Yield TNT Engine is in use. E(f) public 2 328-94 P(f) individs: 1:31e-08		
individ 12 9.59e-08	Maximum NEWQD		Base P.; 2.80e-05 Adjusted P.; 2.99e-05		
usted P.: 2.99e-05 Dverall Given Event: 1.28e-03	E f Related Criterion:	1.00E-03	Pf Overall Given Event: 2.08e-01		
P(f e) Overpressure: 2.07e-09	E f Related:	0.00E+00	<ul> <li>P(f)e) Overpressure: 2.07e-09</li> <li>P(f)e) Glass: 0.00e+00</li> </ul>		
•P(f)e) Glass: 1.00e-10 •P(f)e) Building Collapse: 1.16e-10	E maji Related:	0.00E+00	P(f e) Building Collapse: 1.10e-10     P(f e) Horizontal Debris: 2.08e-01		
P(f e) Horizontal Debris: 1.21e-03     P(f e) Vertical Debris: 7.16e-05	E mini Related:	0.00E+00	<ul> <li>P(f e) Vertical Debris: 2.19e-04</li> <li>P(f e) Thermal: 0.00e+00</li> </ul>		
+P(fje) Thermal: 0.00e+00	E f Public Criterion:	1.00E-05			
	E f Public:	3.24E-04			
	E maji Public:	9.71E-05			
Magazine 2 To 2227 Riney Rd Relationship	E mini Public:	6.61E-05	Magazine 1 To N. Bonnie Brae Rd Relationship		
Magazine 2 To 2227 Kiney Ku kelationship			1.060		
.06-1			1.06-1		
.06-2			1.06-3		
			1.65-4 Overp		
			105.6 Protection and and and and		
at or of the second sec			1.0E-7		
AR-O- AR-7 COLLAR DE DE DE COLLAR AR-			1.05-8		
.0E-9			1.05-10		
E-10-			INTERNAL DEPARTMENT		



- 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 COMPONE	NTS) 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
	· · · · · · · · · · · · · · · · · · ·





#### 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.

-<u>https://regulations.atf.gov</u>



### e-Regulations

File Edit View Favorites Tools Help	-30/2015-25190#555-30 🔎 🖌 🖨 C 🖉 27 CFR § 555.30   eRegulatio × 📑		- <b>日</b> × 命☆節
ATF eRegulations   27	CFR Part 555	Regulations	About 🗑 ATF
∷≣ ା⊒ ଦ. ≮	Subpart C   § 555.30 Effective 10/2/2015 to preser	ıt.	
TABLE OF CONTENTS	§ 555.30 Reporting theft or loss of explosive materials.	32 Related documents	
§ 555.25 Disclosure of information.		1 Ruling	>
§ 555.26	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 1-800-800-805 (nationwide toll free number) and on ATF F 5400.5	1 Form	>
Prohibited shipment, transportation, receipt,	(formerly Form 4712) in accordance with the instructions on the form. Theft or loss of any explosive materials shall also be	8 Open Letters	>
possession, or distribution of explosive materials.	reported to appropriate local authorities.	3 Guides	>
§ 555.27	b. Any other person, except a carrier of explosive materials, who has knowledge of the theft or loss of any explosive materials from	19 Newsletters	>
Out-of-State disposition of explosive materials.	his stock shall, within 24 hours of discovery, report the theft or loss by telephoning 1-800-800-3855 (nationwide toll free	Help	٥
§ 555.28 Stolen explosive materials.	number) and in writing to the nearest <u>ATF</u> office. Theft or loss shall be reported to appropriate local authorities.	Print 27 CFR Part 555	8
<b>§ 555.29</b> Unlawful storage.	c. Reports of theft or loss of <u>explosive materials</u> under paragraphs (a) and (b) of this section must <u>include</u> the following information, if known:		
§ 555.30 Reporting theft or loss of explosive materials.	1. The <u>manufacturer</u> or brand name.		
§ 555.31	2. The <u>manufacturer</u> 's marks of identification (date and shift code).		
Inspection of site accidents or fires; right of entry.	3. Quantity (applicable quantity units, such as pounds of explosives, number of detonators, etc.).		
§ 555.32	4. Description (dynamite, blasting agents, detonators, etc.) and United Nations (UN) identification number, hazard division		
Special explosive devices.	number, and classification letter, e.g., 1.1D, as classified by the U.S. Department of Transportation at 49 CFR 172.101 a and		
§ 555.33 Background checks and clearances (effective May 24, 2003).	173.52 מ. 5. Size (length and diameter).		
§ 555.34 Replacement of stolen or lost ATF Form 5400.30 (Intrastate	d. A carrier of <u>explosive materials</u> who has knowledge of the theft or loss of any <u>explosive materials</u> 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		
Purchase of Explosives Coupon (IPEC)).	reported to appropriate local authorities. Reports of theft or loss of explosive materials by carriers shall include the following		
			at 105% 👻



#### **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/cont ent/library/arson -explosivespublications

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

U.S. Department of Junito Banno of Alcohol, Tobacco, Firmana and Explosives	۲			
ATF EXPLOSIVES Industry Newsletter				
December 2009	Published Bi-Annually			
What's in this issue Carson W Carroll, Assistant Director, Enforcement Programs and Services, Rathus 2009 Institute of Makan of Explosives (IME) Spring	Carson W. Carroll, Assistant Director, Enforcement Programs and Services,			
2010 International or material or Explosives (mil) Spring Mainting 2010 International Society of Explosives Engineers (SEE) Conference Uppe-1 Julio or "Army-type Structure" Explosives	Retires			
New York and Annual Annua Annual Annual Annu	Caroo W. Carroll, the Aminant Director for Enforcement Programs and Services, rotind on August 31, 2020. An Aminant Director, Mr. Carroll directed the development of policy guidance and overane programs apporting ATP's explosives related mission functions.			
Deteriorated Explosives U.S. Department of Defense Exemption Application to Contractors Storage of Exempt Explosive Materials in Magazines Notice of Errsts Orange Book Errsts	Mr. Carrol joined the Bureau au a Chinital Investigates in 1987. During his carses with AER, he served as a Special Response Team Lander in the Los Angeles Field Nivision, the Special Agenti Charge for the Tachinal Response Branch and Critical Incident Management Branch, and the Special Agentin Charge for the Santhe Field Division. Mr. Carrol Beause Chief of the Anzeol			
License «Permittee Population	and Explosives Programs Division in 2002 before his appointment as Deputy Assistant Director for the Office of Field Operations in 2005. In June 2006, Carson W. Carmal was appointed Assistant Director for the Office of Disforment Researce and Semicor for the Office			
Arson A. Explosives Frograms Division (AFD) Dotto:o Clube Dotto:o Clube Explosives Industry Frograms Branch (IPB) Branch Clube Branch Clube Branch Clube Branch Clube Branch Clube Branch Clube Branch Clube Branch Clube Branch Clube	of Enforcement Programs and Services. During his uncore with ART Canons worked hard to ensure that ATF fairly and consistently enforced the regu- lations, rought to increase public unity, and provided guidances to the indurty whenever possible. Canoda knowledge and experience will be missed and we thank him for his hard work and definitions to ATE.			
Arson and Explosives Enforcement Branch (AEEB) Branch Chief Gilbert C. Bartoah Visit ATF on the Web!	2009 IME Spring Meeting			
www.atf.gov Working for a Sound and Safer America	mon and Explosives Programs Division (AEPD) Chief, Jor Richl, EIPE Chief Deb Sarkovich, and Institute of Malazz of Explosives (IME) Spring Meeting India Lalda, CA in May 2009. IME meeting afford			



#### Contacts

• Local ATF field offices

<u>www.atf.gov</u> "Who We Are"/ "Local ATF Offices"

- Explosives Industry Programs Branch (EIPB) EIPB e-mail address: <u>EIPB@atf.gov</u> EIPB phone number: (202) 648-7120
- Federal Explosives Licensing Center (FELC) FELC e-mail address: <u>FELC@atf.gov</u> FELC phone number: (877) 283-3352