



ATF Requirements and Update

2012 Mine Blasting Safety & Application Seminar

MSHA National Mine Academy

Beaver, WV

January 18-19, 2012



Overview

- Inspection and Regulations Review
- Recent Changes/Current Projects
- Security/Thefts
- Common Violations

NOTE: This outline was developed as a guideline for presentation by an ATF regulatory official. For regulatory requirements and guidelines, you should consult <http://www.atf.gov/publications/download/p/atf-p-5400-7.pdf> or contact your local ATF office: <http://www.atf.gov/field/>



General Information about ATF Inspections

- Generally conducted during business hours
- Usually unannounced
- Can be during any time of year
- Vary in length of time
- Often involve more than one IOI



Primary Areas of Inspection

- Opening Conference
- Licensing/Permitting
- Recordkeeping
- Storage
- Conduct of Business
- Security and Internal Controls Evaluation
- Closing Conference



Recordkeeping Requirements

- 5-Year retention period
- Records of acquisitions and disposition
- Limited Permittee Transaction Record
- Daily summary of magazine transactions
- Theft or Loss Report



Records of Acquisition and Disposition

- Separate records of explosives acquired and explosives disposed
- Must record not later than the close of the next business
- May use distributor invoices, provided they contain all information required by regulations



Daily Summary of Magazine Transactions

- A separate record of magazine transactions must be maintained for each magazine
- Maintained at each magazine or at a central location on the premises
- Entries must be made no later than the close of the next business day



Storage Inspection

IOI's will:

- Ensure that explosive materials are stored in appropriate magazines
- Examine each magazine to ensure compliance with housekeeping, construction, and locking standards
- Perform either complete inventory or spot-check to verify accuracy of daily summaries and acquisition and disposition records
- Measure distances between magazines, highways, and nearby inhabited buildings to ensure compliance with tables of distances



Type 1 Magazine Construction

Permanent structure for the storage of high explosives

Must be:

- Bullet-resistant
- Fire-resistant
- Weather-resistant
- Theft-resistant
- Ventilated





Type 1 Magazine Construction

Examples

- Masonry wall - 6” brick concrete, cement block, tile, or cinder blocks. Hollow masonry units must be filled according to 27 CFR 555.207(a)(1)
- Metal wall -14 gauge steel or aluminum lined with:
 - Brick or concrete blocks
 - 4” hardwood
 - 6” sand between inner and outer walls

**Alternate construction meeting bullet-resistant criteria
provided in ATF Ruling 76-18**



Type 2 Magazine Construction

A portable or mobile magazine for the storage of high explosives that may be indoor or outdoor.



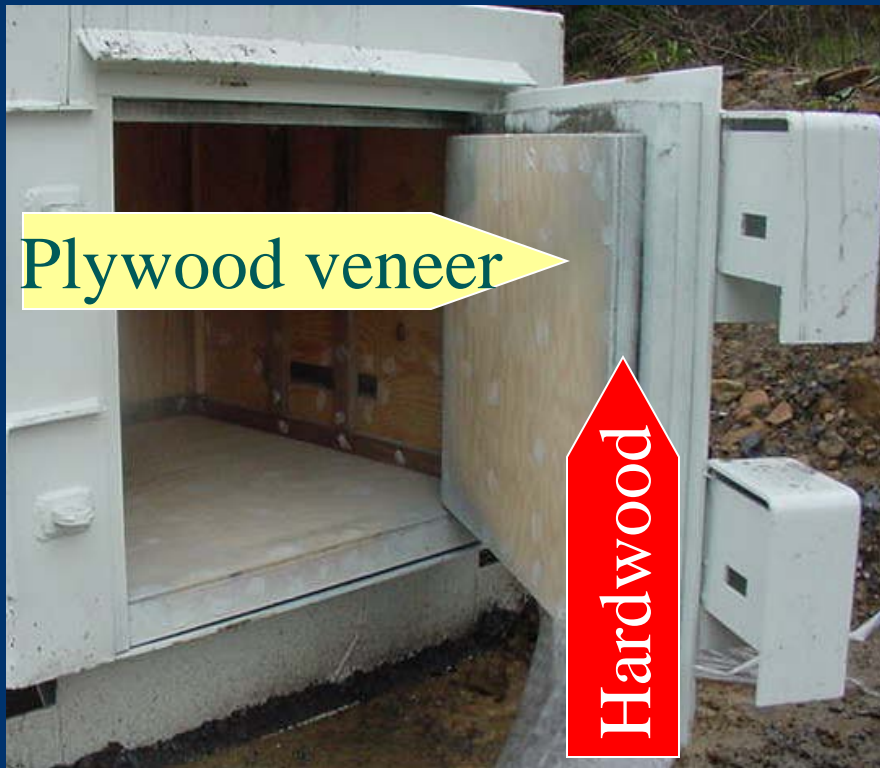
- Bullet-resistant
- Fire-resistant
- Weather-resistant
- Theft-resistant
- Ventilated

Examples: a box, trailer, semi-trailer, etc.



Type 2 Magazine Construction

Outdoor magazines



- Exterior and Doors: Not less than 1/4 inch steel and lined with at least 2 inches of hardwood
- Magazines with top openings will have lids with water-resistant seals or which overlap the sides by at least 1 inch when closed.



Type 3 Magazine Construction

Must be fire-resistant, weather-resistant and theft-resistant

A portable “day box” magazine used for temporary attended storage (not overnight storage); must be locked when not putting explosives into or removing explosives from the magazine





Type 3 Magazine Construction

- 12 gauge steel lined with 1/2" plywood or Masonite-type board
- Doors must overlap by 1"
- Locking: One five tumbler padlock with 3/8" shackle, no hood required



Type 4 Magazine Construction

A permanent structure or a portable/mobile facility for the storage of low explosives. May be indoor or outdoor.



- Fire-resistant
- Weather-resistant
- Theft-resistant



Type 4 Magazine Construction



- Walls must be constructed of masonry, metal covered wood, fabricated metal or a combination thereof
- Doors must be metal or solid wood covered with metal
- KINGPIN locking device is an acceptable means of securing a vehicular type 4 magazine



Type 5 Magazine Construction

A permanent structure or other mobile facility for the storage of blasting agents. May be indoor or outdoor.



- Weather-resistant
- Theft-resistant



Type 5 Magazine Construction



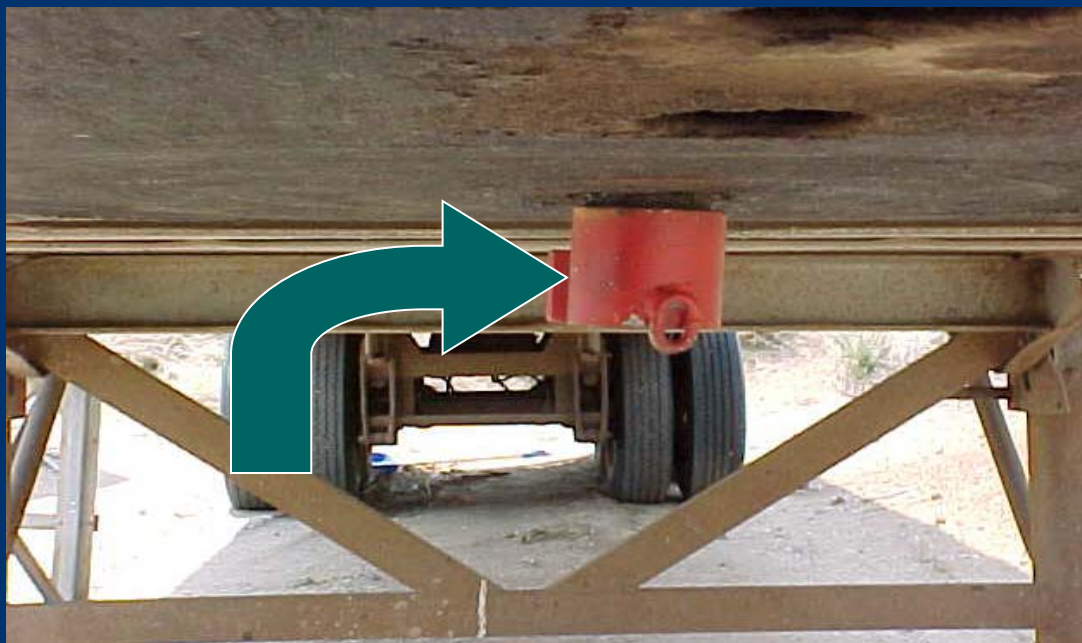
- Vehicular magazines-
locking requirements:
One five tumbler padlock
with 3/8” shackle, no
hood required
- Doors must be
constructed of solid
wood or metal

Placards required for type 5 magazines



Securing Type 5 Trailers

When unattended, vehicular magazines must have wheels removed or otherwise be effectively immobilized by kingpin locking devices or other methods approved by ATF



Kingpin locking device immobilizes drop trailer



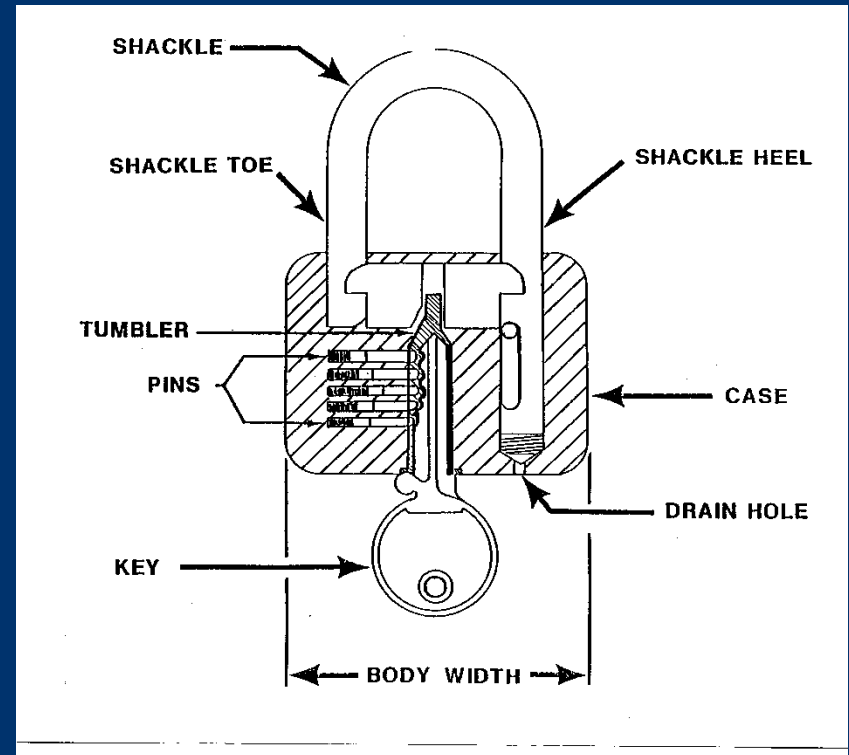
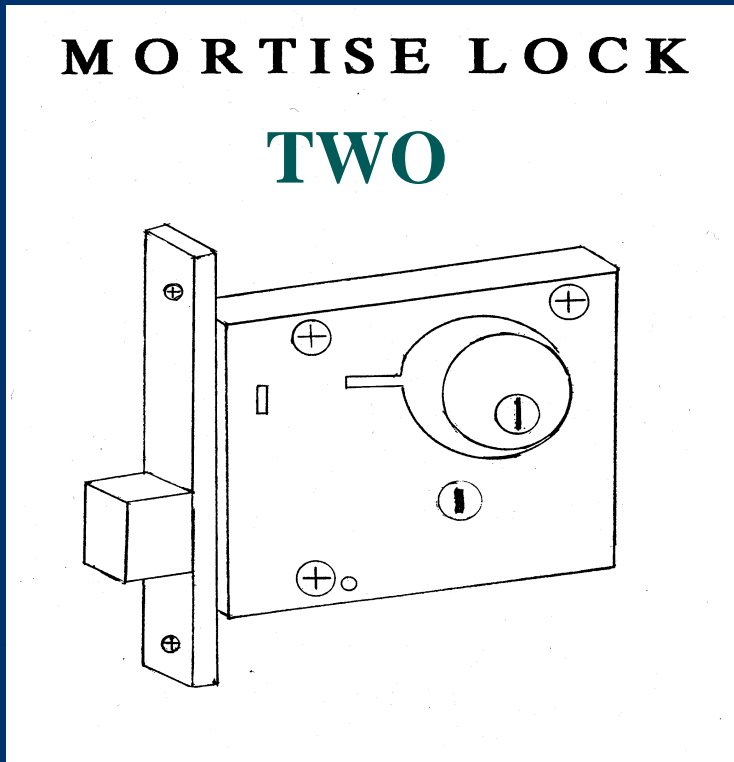
Construction Requirements Common to all Types of Storage

Hinges and hasps must be attached to doors by welding, riveting, or bolting so that the bolts cannot be removed from the outside





Required Locks



Padlocks must have **five tumblers** and **3/8-in case-hardened shackles** fastened in **separate hasps and staples**



Hoods

Padlocks must be protected with no less than ¼ inch steel hoods constructed so as to prevent sawing or lever actions on the locks, hasps and staples.





Housekeeping Requirements

Interior:

- Clean, dry and free of grit, paper, empty packages and containers
- Floors must be regularly swept
- No spark-producing metal in magazines

Exterior:

- Clear of rubbish, brush, dry grass or small trees within 25 feet of the magazine (Live foliage which is used to stabilize the earthen covering of a magazine need not be removed)
- Volatile materials no less than 50 feet from magazine



Tables of Distances

- Apply to the outdoor storage of explosive materials
- Determine the required minimum separation distances from explosive storage magazines to inhabited buildings, public highways, passenger railways, and other magazines

§ 55.218 Table of distances for storage of explosive materials.

Quantity of Explosives		Distances in feet							
Pounds over	Pounds not over	Inhabited buildings		Public highways with traffic volume 3000 or less vehicles/day		Passenger railways—public highways with traffic volume of more than 3,000 vehicles/day		Separation of magazines	
		Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded
0	5	76	143	38	80	51	152	6	12
5	10	99	189	35	79	64	128	8	16
10	20	119	229	45	90	81	182	10	20
20	30	125	250	58	100	93	186	11	22
30	40	140	280	55	110	103	206	12	24
40	50	150	300	68	120	110	220	14	28
50	75	170	340	73	140	127	254	15	30
75	100	180	350	73	150	129	278	16	32
100	125	200	400	89	160	150	300	18	36
125	150	215	430	85	170	159	318	19	38
150	200	231	476	95	199	175	359	21	42
200	250	255	510	103	219	189	378	23	46
250	300	270	540	119	225	201	402	24	48
300	350	295	590	129	245	221	452	27	54
400	500	320	640	138	260	238	478	28	58
500	600	340	680	135	270	253	506	31	62
600	700	355	710	145	290	266	532	32	64
700	800	375	750	150	309	278	556	33	66
800	900	390	780	155	318	289	579	35	70
900	1,000	400	800	160	329	300	600	36	72
1,000	1,200	425	850	165	339	318	636	39	78
1,200	1,400	450	900	170	349	336	672	41	82
1,400	1,600	470	940	175	359	351	702	43	86
1,600	1,800	490	980	180	369	366	732	44	88
1,800	2,000	505	1,015	185	379	378	759	45	90
2,000	2,500	545	1,095	190	395	408	816	48	96
2,500	3,000	580	1,165	195	390	432	864	52	104
3,000	4,000	635	1,275	210	420	474	948	58	116
4,000	5,000	685	1,375	225	450	513	1,026	61	122
5,000	6,000	730	1,460	235	470	546	1,082	65	130
6,000	7,000	770	1,540	245	490	573	1,146	68	136
7,000	8,000	800	1,605	250	500	600	1,200	72	144
8,000	9,000	835	1,670	255	510	624	1,248	75	150
9,000	10,000	865	1,730	260	520	645	1,290	78	156
10,000	12,000	875	1,750	270	540	667	1,374	82	164
12,000	14,000	885	1,770	275	550	678	1,446	87	174
14,000	16,000	900	1,800	288	560	756	1,512	90	180
16,000	18,000	940	1,880	295	570	786	1,572	94	188
18,000	20,000	975	1,950	298	580	813	1,626	98	196
20,000	25,000	1,055	2,000	315	630	878	1,732	105	210
25,000	30,000	1,130	2,000	348	680	953	1,866	112	224
30,000	35,000	1,205	2,000	368	720	981	1,962	119	238
35,000	40,000	1,275	2,000	389	760	1,026	2,000	124	248
40,000	45,000	1,340	2,000	409	800	1,068	2,000	129	258
45,000	50,000	1,400	2,000	420	840	1,104	2,000	135	270
50,000	55,000	1,460	2,000	440	880	1,140	2,000	140	280
55,000	60,000	1,515	2,000	455	910	1,173	2,000	145	290
60,000	65,000	1,565	2,000	470	940	1,206	2,000	150	300
65,000	70,000	1,610	2,000	485	970	1,236	2,000	155	310
70,000	75,000	1,655	2,000	500	1,000	1,263	2,000	160	320
75,000	80,000	1,695	2,000	510	1,020	1,293	2,000	165	330
80,000	85,000	1,730	2,000	520	1,040	1,317	2,000	170	340
85,000	90,000	1,760	2,000	530	1,060	1,344	2,000	175	350
90,000	95,000	1,790	2,000	540	1,080	1,368	2,000	180	360
95,000	100,000	1,815	2,000	545	1,090	1,382	2,000	185	370



Violations and Corrective Actions

IOI's will:

- Document all violations of recordkeeping and storage requirements disclosed during the inspection on ATF Form 5030.5, Report of Violations
- Prescribe corrective action and time frame for such action
- Follow up to ensure that all violations are corrected and licensee or permittee has come into compliance with requirements



Violations

MOST FREQUENTLY CITED EXPLOSIVES VIOLATIONS		YEAR					
		FY 2011		FY 2010		FY 2009	
Citation	Violation Description	No.	RANKING	No.	RANKING	No.	RANKING
27 CFR 555.127	Daily Summary of Magazine Transactions	351	1	265	1	517	1
27 CFR 555.215	House Keeping Guidelines	76	3	125	2	135	2
27 CFR 555.125	Records Maintained by Permittees	142	2	86	3	124	3



Facilitating Successful and Efficient ATF Inspections

During Inspection:

- Ensure records are available for examination
- Expect that inventory and records examinations will be time-consuming and thorough
- Ensure that a knowledgeable (responsible) person is available to answer questions and provide assistance, if necessary
- If you have any questions on what to expect, be sure to ask so you can prepare for contingencies.



Ruling 2010-2, Explosives Label Visibility

- 555.214(b)-Explosives must be stored so marks are visible
- Clarifies how this section applies to specific scenarios
 - Pallets of material
 - Rows stacked together





Ruling 2010-7, Perforating Gun Storage

Perforating guns use shape charges to fracture or liberate oil and gas wells

- Charges mounted inside metal carrier or on a bar/rod/wire. Connected with detonating cord.
- Ruling allows for “loaded” guns to be stored outside of magazines under specified conditions (e.g., detonator interrupter device, security provisions, certain weight limits)





Ruling 2011-2, Type 5 Bin Locking

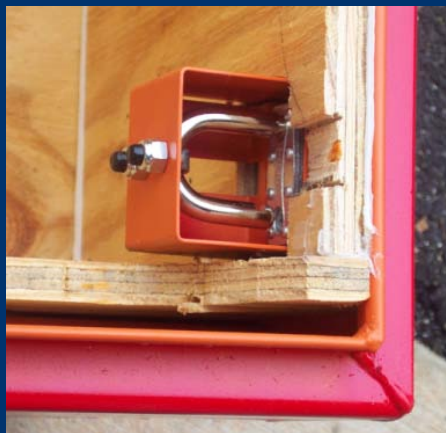
- Type 5 bins typically do not meet hooded locking requirements
- Allows for one unhooded 3/8-inch, case-hardened padlock
- Additional security measures required
 - Locked gate, security guards, fences
- **This ruling does not apply to type 4 magazines**





Ruling 2011-3, Alternate Locks Authorized

- Approves use of additional locks under certain conditions
- Puck locks (Die-cast bodies not allowed – only hardened steel)
- Padlocks with boron-alloy shackles
- Recessed locks (Jobsite boxes must have two recessed padlocks)





Magazine Floors & Roofs

- Forthcoming ruling (Not yet approved)
- Provisions for type 2 magazines with roofs not meeting bullet-resistant construction.
- Regulations require that type 2 & 4 magazines have steel or fabricated metal exterior floors
- Wooden floors on magazine exterior - currently requires a variance
- Must be placed on gravel pad or skirted





Pamphlets



Available at
[http://www.atf.gov/
publications/explosives-arson/](http://www.atf.gov/publications/explosives-arson/)

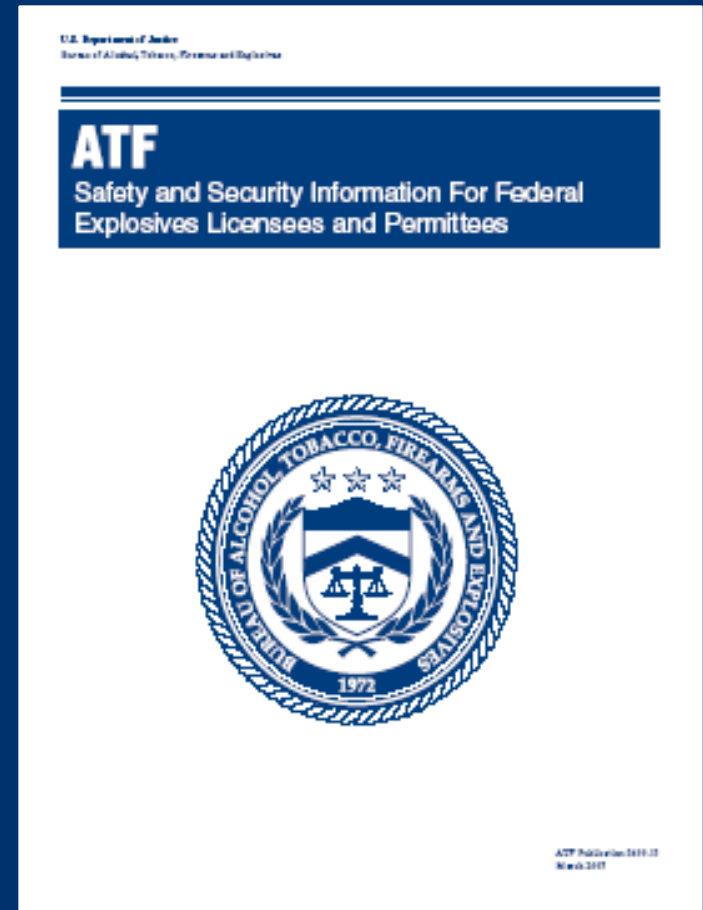
- Hot off the press:
 - Recordkeeping
 - Storage
 - DSMT
 - Disaster Preparedness
- Upcoming:
 - Self-Audit Guide



Safety and Security Booklet

ATF P 5400.15 - March 2008

- Developed with ISEE and IME
- Tips, techniques, and tools for better security
- ATF Contact information
- Sample explosives records





Form 5400.5 – Theft/Loss of Explosives

- Contact ATF explosives theft hotline **1-888-283-2662 (ATF-BOMB)**
- Must report theft or loss **within 24 hours** of discovery
- Complete and submit ATF Form 5400.5, Report of Theft or Loss - Explosive Materials
- Penalties for failure to report theft include a **\$10,000 fine** and up to **5 years in prison**



Theft or Loss (cont.)

- A full inventory check is highly recommended (but not required) to locate missing explosives/prevent future inventory losses
- Notify local law enforcement authority
- Notify ATF of Any Recovered Explosives



Federal Explosives Theft Laws

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

- Title 18 U.S.C. 842(h)
- Title 18 U.S.C. 842(k)
- Title 18 U.S.C. 844(k)
- Title 18 U.S.C. 844(l)
- Title 18 U.S.C. 844(p)



Federal Explosives Theft Regulations

Regulatory Program Provisions

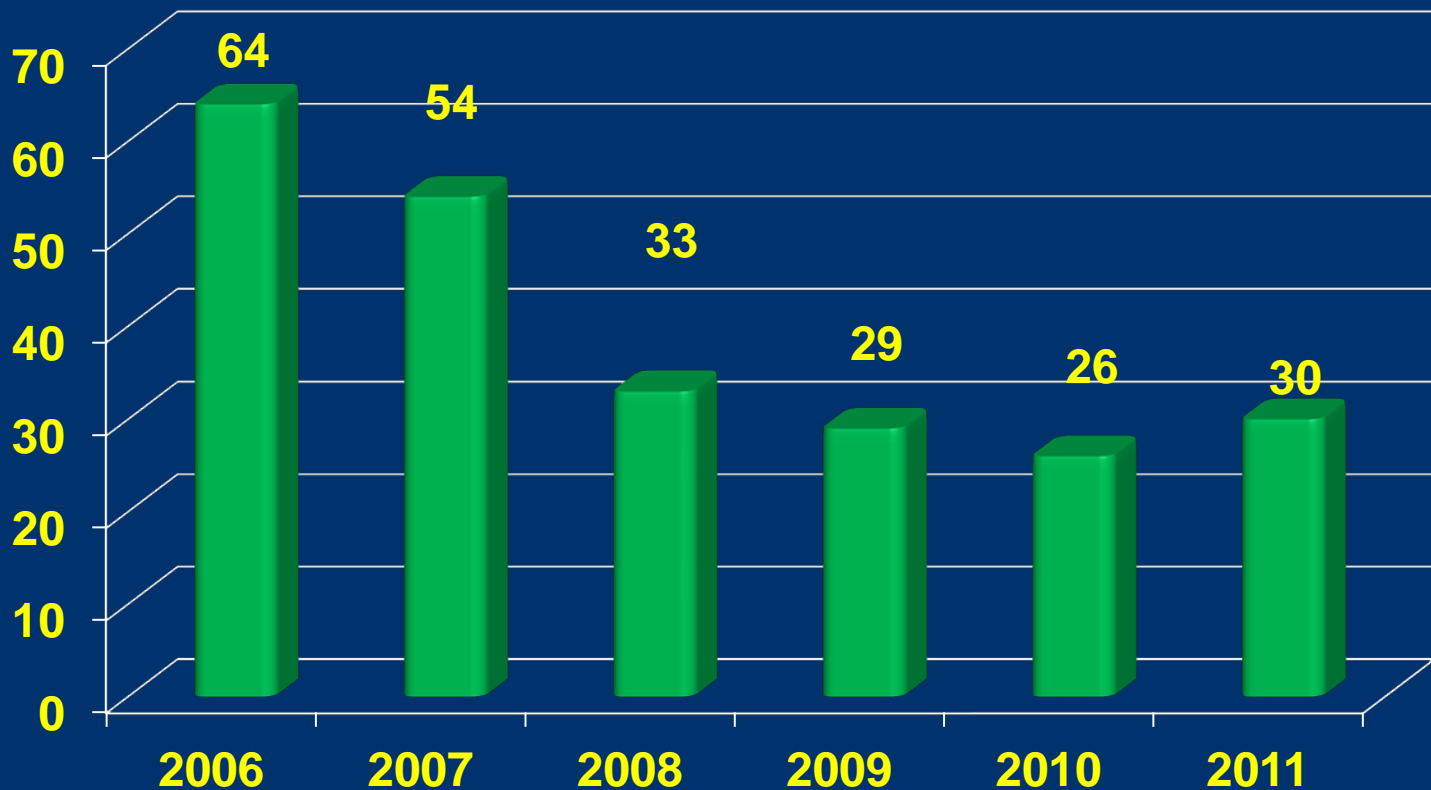
(27 CFR, Part 555)

- 27 CFR 555.28
- 27 CFR 555.30(a)
- 27 CFR 555.30(b)
- 27 CFR 555.30(c)
- 27 CFR 555.30(d)
- 27 CFR 555.34
- 27 CFR 555.165(a)
- 27 CFR 555.165(b)



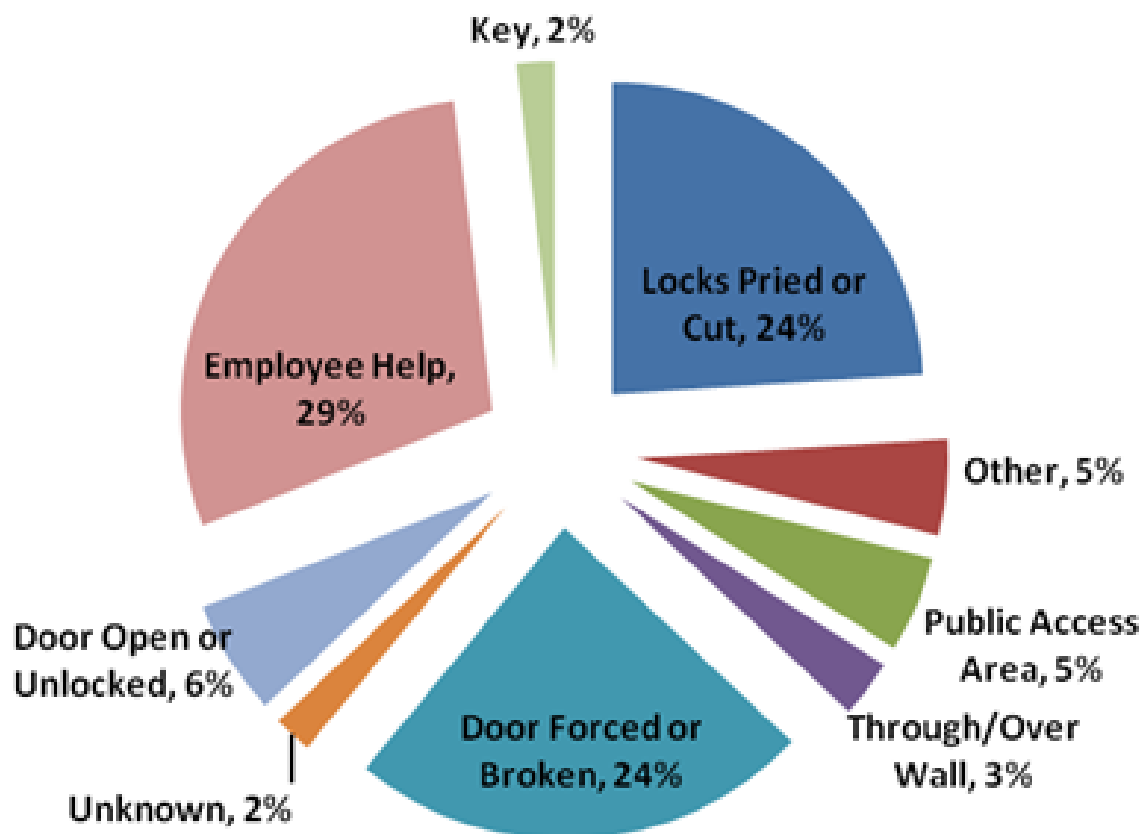
Thefts of Explosives

ATF U.S. Bomb Data Center





Thefts of Explosives





Suggestions

- Establish a contact within the local ATF office
 - Call ATF before you have a problem
 - Invite ATF to conduct training
- Verify inventory frequently
- Educate your employees about the regulations and rulings
- Organize records in separate files
- Review security at premises
 - Consider upgrading padlocks



Website Update Notices

- ATF website (www.atf.gov) E-mail updates feature
- Receive email notices when new explosives information is posted to the ATF site
- Subscribe by clicking on one of the links on the available web pages and completing the requested e-mail and preference information

* ATF is now on Twitter!

Arson and Explosives

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ATF Explosives Industry Newsletter

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Reminder...

You are required to:

- Conduct yearly physical inventory of all explosives on-hand (*record must be on file for inspection)
- Report all thefts and losses to ATF within 24 hours of discovery, by telephone 1-888-283-2662 (ATF-BOMB), and in writing by completing ATF F5400.5
- Visually inspect locks and magazines at least every seven days
- Notify the authority having jurisdiction for fire safety in the locality in which explosives are stored



Industry Resources

- ATF Website (List of Field Offices, Newsletter, Rulings, Open Letters, etc.) www.atf.gov
- ATF Twitter www.twitter.com/ATFHQ
- Explosives Industry Programs Branch (EIPB)
EIPB e-mail address: EIPB@atf.gov
EIPB phone number: (202) 648-7120