



institute of makers of explosives

The safety and security institute of the commercial explosives industry since 1913

Modernizing ATF Regulations for Commercial Explosives

Background

The *Organized Crime Control Act of 1970* was signed into law more than forty years ago, making the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) the primary regulator for the safe storage, import and sale of commercial explosives. The *Safe Explosives Act of 2002*, signed into law after September 11th, added additional requirements. However, it has been more than twenty years since a broad review of ATF regulations for commercial explosives has been conducted.

ATF recently announced the Federal Regulatory Modernization Project with the intent of reviewing current federal regulations for commercial explosives to ensure they are still applicable to today's industry and business environment and update them wherever necessary. The effort is also intended to reduce unnecessary or overly burdensome rules that are no longer necessary due to increased safety and security measures already in place.

As part of the federal regulatory modernization project, IME has provided the following recommendations for ATF's consideration:

Timely Background Checks and Clearances

All employees who possess, use, or otherwise handle commercial explosives are required to undergo background checks by the ATF. In some instances, the process can take up to six months, creating workflow disruptions in an already challenging labor market.

Our Asks:

- Background checks for employees in the commercial explosives industry should be expedited through the FBI's NICS database.
- Employee clearance records should be portable from company to company.
- Long-time employees should have access to a timely relief process should an issue be flagged when undergoing background check renewals.
- Currently, subcontractors, temporary workers, and interns who might be handling explosives cannot be vetted under a company's explosives license. IME believes these workers should be background checked and cleared as Employee Possessors under a company's federal explosives license.

Modernize Record Keeping Requirements

IME believes it is important to have accountability of commercial explosives and we believe modernized recordkeeping requirements of inventory will enhance security and improve efficiency.

Our Asks:

- ATF has issued allowances for electronic record keeping for over a decade on a case-by-case basis. IME believes regulations should be updated to allow for flexibility when companies choose to implement electronic record keeping of commercial explosives material.
- ATF should accept one set of records for each company rather than separate sets for activities related to import, export, dealing, and use of commercial explosives inventory. This would greatly improve efficiency while maintaining a high level of security of inventory.

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

The American Table of Distances (ATD) was developed by IME over a century ago to ensure public safety around the storage of commercial explosives. Throughout those hundred years, practices and new explosives have greatly improved safety. In 2004, IME worked with APT Research to develop IMESAFR, a quantitative risk assessment tool (QRA), to supplement the ATD. This software models risk scenarios to the workforce and the public from commercial explosives facilities and operations.

- IME recommends that ATF formally adopt IMESAFR as an additional option for businesses to reduce risk and further safeguard the workforce and the public.