



Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms
Washington, DC 20226

SAFE EXPLOSIVES ACT FACT SHEET

12/12/02

The Safe Explosives Act (the Act) was signed into law by the President on November 25, 2002. The legislation takes effect in two parts. The first two provisions outlined below are effective 60 days after enactment. The last three provisions outlined below are effective 180 days after enactment.

Effective January 24, 2003:

- 1. New Prohibited Persons Categories:** The Act adds three new categories of persons prohibited from receiving or possessing explosives: (1) aliens (with limited exceptions); (2) persons who have been dishonorably discharged from the military; and (3) citizens of the United States who have renounced their citizenship. These categories have been added to the pre-existing list of prohibited persons, which includes felons; fugitives; users of, and persons addicted to, controlled substances; and persons who have been adjudicated mental defectives or committed to mental institutions. All prohibited persons are permitted to apply to the Bureau of Alcohol, Tobacco and Firearms (ATF) for relief from Federal explosives disabilities.
- 2. Samples:** When requested by ATF, manufacturers and importers of explosive materials, including Ammonium Nitrate, must submit samples of these materials to ATF, as well as information on their chemical composition or other information. This will assist ATF in the identification of explosives found at crime scenes.

Effective May 24, 2003:

1. **Intrastate Permit:** Intrastate users of explosives must first obtain an ATF “limited permit” prior to receiving explosive materials. Intrastate users may include, for example, farmers or construction companies that acquire and use explosives infrequently and within their own State of residence. The limited permit will allow the purchaser to receive explosive materials from an in-State explosives licensee or permittee on no more than six (6) occasions during the period of the permit. The limited permit will be valid for one year. Currently, intrastate users are exempt from most provisions of Federal explosives law. By contrast, *interstate* users of explosives must obtain ATF user permits; importers, manufacturers, and dealers in explosive materials must obtain ATF licenses. The limited permit will not authorize the permittee to transport or use explosives interstate. This provision is significant, as ultimately all persons possessing explosive materials in either interstate or intrastate commerce must first obtain a Federal license or permit issued by ATF.

2. **New Required Industry Information for More Thorough ATF Background Checks:** ATF must approve an explosives license or permit application if, among other things, the applicant is not prohibited from possessing explosives. Responsible persons (e.g., facility site managers, corporate officers) will now be required to submit to ATF identifying information, fingerprints, and photographs. Employees of licensees and permittees who will be possessing explosive materials must submit only identifying information. ATF must issue “letters of clearance” for those responsible persons and possessor employees who are not prohibited from possessing explosives. If ATF determines that a responsible person or employee is subject to an explosives prohibition, ATF must provide specific information to the employer and to the prohibited person (e.g., advise of appeal procedures). This new provision is significant, as all persons possessing explosive materials in either interstate or intrastate commerce will have to undergo a background check conducted by ATF.

3. **Inspections:** Generally, ATF will have to physically inspect all ATF licensees and permittees at least once every three calendar years for compliance with Federal explosives storage regulations.
 - In the case of user permits and licenses, ATF must verify by visual inspection that new applicants and renewal applicants have places of storage for explosive materials that meet the standards of safety and security set forth in the regulations.

- In the case of new applicants for limited permits, ATF is not required to conduct a visual inspection of places of storage. Instead, ATF may verify by inspection or by "such other means as the Secretary determines appropriate" that there is acceptable storage. For the first and second renewal of limited permits, ATF may continue to verify storage by "such other means." However, if a field inspection has not been conducted during the previous three years, ATF must, for the third renewal and at least once every three years after that renewal, verify by a field inspection that the limited permittee has acceptable places of storage.