



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Washington, DC 20226

November 12, 2010

Open Letter to All Federal Explosives Licensees and Permittees

This letter provides information regarding explosive pest control devices (EPCDs). Agricultural, aquacultural, and aviation industries use EPCDs — commonly known as bird bombs or seal bombs — to help protect crops, natural resources, and aircraft from damage by wildlife. EPCDs are regulated explosives subject to requirements of the Federal explosives laws and regulations.

The Federal explosives laws require all persons who engage in business of manufacturing, importing or distributing explosives, including EPCDs, to obtain a license from ATF. Federal law also prohibits the distribution of explosive materials to, or the receipt of explosive materials by, any person other than a licensee or permittee. Additionally, all persons who receive explosives, who transport explosives, or who cause explosives to be transported, are required to obtain a Federal explosives permit or license from ATF.

Further, all persons who receive or possess EPCDs must store them in accordance with the requirements set forth in 27 CFR Part 555, Subpart K—Storage. ATF classifies EPCDs containing flash powder as high explosives, which generally must be stored within Type 1 (such as a building, igloo, tunnel, or dugout magazine) or Type-2 magazines (such as a box trailer, semitrailer or other mobile facility). ATF will grant a variance to allow storage of EPCDs containing flash powder in a Type-4 magazine (such as a box, trailer, semitrailer or other mobile magazine) if they are stored in their original Department of Transportation-approved shipping containers and the Type-4 magazine meets all requirements under 27 CFR 555, Subpart K—Storage. ATF considers EPCDs containing only black powder or low explosive pyrotechnic compositions as low explosives, which may be stored in a Type-4 magazine.

ATF will refrain from taking enforcement action on certain provisions of the Federal explosives laws and regulations until May 1, 2011 to allow end-users who have not yet obtained a permit a reasonable period to acquire a permit and the appropriate storage facilities. This temporary policy of non-enforcement does not apply to the licensing, storage and recordkeeping requirements for persons engaged in the manufacture, importation or distribution of EPCDs.

Individuals and companies who want to acquire a Federal explosives license or permit or learn more about ATF regulation of EPCDs are encouraged to visit the ATF website at <http://www.atf.gov/explosives/how-to/explosive-pest-control-device-requirements.html>. ATF officials will assist anyone desiring to apply for the Federal explosives license or permit. You can locate your local office through the ATF webpage at <http://www.atf.gov/field/>. ATF is committed to helping licensees and permittees comply with Federal explosives laws and regulations. You may address questions regarding EPCDs via e-mail to EIPB@atf.gov or in writing to:

Chief, Explosives Industry Programs Branch
Bureau of Alcohol, Tobacco, Firearms and Explosives
99 New York Avenue, NE., Mailstop 6N-672
Washington, D.C. 20226

A handwritten signature in black ink, appearing to read 'Arthur Herbert', written in a cursive style.

Arthur Herbert
Assistant Director
Enforcement Programs and Services