



ATF Regulatory Modernization

The commercial explosives industry is among the most highly regulated sectors in the United States. It has been more than four decades since ATF last comprehensively reviewed its explosives regulations. Current rules are increasingly misaligned with modern practices—some are burdensome without improving safety or security.

The Institute of Makers of Explosives (IME) recognizes the critical importance of regulation when working with such powerful materials and supports common-sense regulations that are rooted in sound science, data, and reflects industry best practices. IME develops and publishes comprehensive safety standards through its Safety Library Publications (SLPs), which guide the manufacture, distribution and use of commercial explosives. These 19 publications have been widely adopted and have been cited in federal regulations 17 times.¹

IME's Modernization Priorities

- 1 Timely background checks and clearances
- 2 Modernization of recordkeeping requirements
- 3 Adoption of the IME Safety Analysis for Risk (IMESAFR)

IME's Asks for Congress

- ✓ Provide dedicated funding to complete the development of electronic forms (E-forms) for the Federal Explosives License/Permit (FEL/FEP, ATF Form 5400.13/5400.16), Responsible Person Questionnaire (RPQ, ATF Form 5400.13A/5400.16 Part B), and Employee Possessor Questionnaire (EPQ, ATF Form 5400.28). Transitioning to E-forms will:
 - ↓ Processing Times
 - ↓ Costs
 - ↑ Certainty
- ✓ Encourage ATF to modernize its regulatory framework for commercial explosives—specifically the *Orange Book*—to reflect today's technology and business practices, improving both compliance and administrative efficiency.

Increased certainty will lead to better outcomes for not only the commercial explosives industry, but the sectors it supports including, the mining/quarrying, construction/infrastructure, and energy.

[1] <https://sibr.nist.gov/>

1 Timely Background Checks and Clearances

All explosives industry personnel **must pass an ATF background check**. Applications are currently processed manually, causing delays of **up to six months to process**, disrupting operations in an already tight labor market. **E-forms (already available for ATF firearms licenses and permits) could reduce human error and cut processing times in half.**

Federal Explosives Licenses and Permits

All entities importing, manufacturing, or distributing commercial explosives must secure a Federal Explosives License or Permit (FEL/FEP), tied to a specific operating location.

Large corporations operating in numerous locations will possess numerous FEL/FEPs.

Individuals

All personnel who work with commercial explosives must undergo an ATF background check. Managers setting explosives policy and workers handling explosives (blasters, warehouse staff) must secure a Responsible Person (RP) or Employee Possessor (EP) notice of clearance.

IME Recommends

- **Expedite and Prioritize checks through the FBI's National Instant Criminal Background Check System (NICS).**
- **Make clearance records transferable between employers.**
- **Improve the appeal/relief process for long-standing employees flagged at renewal.**
- **Allow subcontractors, temporary workers, and interns to be vetted as EPs under a company's license.**

2 Modernization of Recordkeeping Requirements

Accurate inventory tracking is vital for the safety and security of commercial explosives. Current regulations must be modernized to support efficient recordkeeping.

IME Recommends

- **Codify ATF's ruling that allows electronic recordkeeping.**
- **Allow a unified set of records for companies, rather than requiring separate records for import, export, distribution, and use—improving both efficiency and security.**

3 Codify the use of Risk Assessment Tools

The American Table of Distances (ATD)—originally developed by IME more than a century ago—provides safety guidelines for storing commercial explosives. IME partnered with APT Research in 2004 to develop the IME Safety Analysis for Risk (IMESAFR). This quantitative risk assessment tool models potential hazards to workers and the public from explosives facilities and operations.

IME Recommends

- **ATF formally codify quantitative risk assessment tools, like IMESAFR, as a recognized tool for businesses to assess and mitigate risk. Codifying such tools will enhance public and workforce safety.**