



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Firearms and Explosives Industry Division

Washington, DC 20226

JUN 30 2014

OPEN LETTER TO ALL FEDERAL EXPLOSIVES LICENSEES AND PERMITTEES

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has received inquiries concerning the black powder exception under the Federal explosives laws. Black powder, a low explosive, is an integral component of commercial and amateur fireworks, and special effects operations. Except for certain criminal offenses, Federal law, 18 U.S.C. § 845(a)(5), excepts the purchase and possession of black powder¹ from the Federal explosives laws and regulations *provided* all of the following conditions are met:

- (1) the black powder is commercially manufactured;
- (2) the quantity of black powder does not exceed 50 pounds; and
- (3) the black powder is intended to be used *in antique firearms or antique devices solely for sporting, recreational, or cultural purposes.*

Users of Black Powder: No explosives permit is required if a person only intends to purchase and use commercially manufactured black powder in quantities not to exceed 50 pounds for the above stated purposes in antique firearms or antique devices. However, any individual or company purchasing any amount of black powder for any other purpose, including for use in fireworks or pyrotechnics, must obtain a Federal explosives license or permit. Such persons must also store the black powder in an explosives magazine compliant with the regulations. *See 27 CFR, Part 555, Subpart K – Storage.* Further, any exemption under Federal law confers no right or privilege to operate in violation of other Federal, State, or local regulations or requirements.

Manufacturers, Importers, and Dealers: Because the exception only applies to certain intended uses by the consumer, persons engaged in the business of manufacturing, importing, or dealing in any quantity of black powder must be licensed, maintain records, and store such explosive material in accordance with regulations. *See 27 CFR Part 555, Subparts G and K.*

Please contact ATF's Explosives Industry Programs Branch at 202-648-7120, or EIPB@atf.gov, if you have any questions. You may also contact your local ATF field division for assistance. Field office contact information may be found at www.atf.gov/content/contact-us/local-atf-office.

Michael F. Fronczak
Chief, Firearms and Explosives Industry Division

¹ Federal law, 18 U.S.C. § 845(a)(5), also excepts the acquisition of percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers from the Federal explosives laws and regulations so long as they are intended to be used in antique firearms or antique devices solely for sporting, recreational, or cultural purposes.