



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Enforcement Programs and Services
Washington, DC 20226

November 2, 2023

NOTIFICATION FOR PREVIOUSLY EXEMPTED SPECIAL EXPLOSIVE DEVICES

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has rescinded the exemptions for certain consumer-style grenades (e.g., flashbang grenades, smoke grenades) as they have been determined by ATF to pose a risk to public safety. The purpose of this letter is to provide guidance on the requirements for these explosive devices that ATF previously exempted as special explosive devices (SEDs) pursuant to the regulation at 27 CFR § 555.32.

Background

As provided by the Federal explosives regulations at 27 CFR 555.32, ATF may issue exemptions for SEDs that, as designed, do not constitute a public safety or security hazard. When issuing an exemption for a specific SED, ATF stipulates that the exemption may be withdrawn if ATF determines a public safety or security hazard exists.

In evaluating whether a particular device may be exempted, ATF considers, in part, the intended use and function of the device, the net explosives weight, its chemical composition, and accessibility of the explosives within the device. SEDs often perform a safety related function and are generally designed for use in a specific segment of industry or by law enforcement (e.g., line-cutters, airbag inflators). ATF has previously granted SED exemptions for various devices meeting certain criteria but not necessarily performing a safety related function, such as consumer-style grenades used in airsoft or paintball games.

Explanation and Discussion

ATF has recently received information regarding incidents in which certain explosive devices (e.g., flashbang grenades, smoke grenades) were used against law enforcement officers or for other criminal purposes. Additionally, ATF has received evidence that such devices have caused wildfires resulting in extensive damage to property and danger to the public. Based on these public safety concerns, ATF has determined that these explosive devices pose a risk to public safety and rescinded the SED exemptions for the products listed in Figure 1.

As a result of these rescissions, these explosive devices are no longer exempt from the provisions of the Federal explosives regulations at 27 CFR Part 555. Accordingly, any person engaging in the business of importing, manufacturing, or distributing these devices must obtain the applicable Federal explosives license. In addition, any person acquiring the devices must first obtain a Federal explosives license or permit. All persons, including those currently in possession of any of these devices listed in Figure 1 must store the devices in conformity with the prescribed

requirements in 27 CFR Part 555, Subpart K – Storage. For general information on storage requirements, please reference ATF Publication 5400.17.

Instructions on how to apply for a Federal explosives license or permit are found at <https://www.atf.gov/explosives/apply-license>. Individuals who need assistance ensuring they comply with ATF’s explosives storage requirements can contact their local ATF offices at <https://www.atf.gov/contact/local-atf-offices>. Information on ATF’s explosives regulations is at <https://regulations.atf.gov/555>.

Government Exemption

The Federal explosives laws (Title 18 U.S.C. Chapter 40), and the implementing regulations at 27 CFR §§ 555.141(a)(3) and (a)(5), exempt from the provisions of 27 CFR Part 555, “[t]he transportation, shipment, receipt, or importation of explosive materials for delivery to any agency of the United States or to any State or its political subdivision” and “[t]he manufacture under the regulation of the military department of the United States of explosive materials for, or their distribution to or storage or possession by, the military or naval services or other agencies of the United States.” ATF has held that these exemptions extend to government contractors and subcontractors performing explosives operations exclusively pursuant to a current and valid contract with a government agency. As a result, Federal, State and local government agencies and their contractors typically do not require a Federal explosives license or permit to obtain explosive materials, including the devices described in Figure 1.

ATF is committed to helping individuals comply with the Federal explosives laws and regulations. Should you have any questions regarding this notice, please contact ATF’s Explosives Industry Programs Branch at 202-648-7120 or EIPB@atf.gov.

Matthew P. Varisco
Assistant Director
Enforcement Programs and Services

Figure 1 – List of Previously Exempt Special Explosive Devices

Device Description	Department of Transportation EX Number
M11, M12, M13 Devices	EX2015020101
M10 Devices	EX2015020084
MC-18 Smoke Grenades	EX2017122029
EG67 Powder and Confetti Bombs	EX2020082412; EX2020082413
EM55 Emergency Smoke Devices	EX2017040307; EX2017040290
Mil-X Smoke Devices	EX2014020114; EX2014020235
EL55 Electric Smoke Devices	EX2017010539; EX2017020010
EG67 Ball Grenades	EX2015100576
Wire Pull Paint Grenades	EX2015111073
EG18X Smoke Signals	EX2015020398; EX2015020437