# JOINT COMMUNIQUÉ OF THE HIGH POWER ROCKET MANUFACTURERS AND DEALERS ASSOCIATION AND THE TRIPOLI ROCKETRY ASSOCIATION TO THE HIGH-POWER ROCKET COMMUNITY

25 April 1994

## Introduction & Brief History

Since its inception in the late 1970s, the participants in the hobby of high power rocketry have consisted primarily of a small, tightly-knit group of experimenters and dedicated hobbyists. For most of these years, high-power rocketry had a very limited scope, was never really promoted to the general public, and, in fact, the general public was almost completely unaware of its existence. This has been true up until recently.

Since the creation of the Tripoli Rocketry Association, specifically intended to cater to the high-power rocket enthusiast, and the embracing of high-power rocketry by the National Association of Rocketry, the hobby of high-power rocketry has experienced an accelerated rate of growth. The advent of the publication and widespread commercial distribution of High Power Rocketry magazine brought knowledge of the hobby to countless thousands of people who had never even heard of the existence of any hobby rocket motor larger than an Estes "D" engine. This flourishing of the hobby, and its supporting industry, has not gone unnoticed by the Federal regulators.

## 1993 NFPA Meetings

In 1993, two meetings of the National Fire Protection Association's (NFPA) Committee on Pyrotechnics were held: the spring meeting in Colorado Springs, Colorado, and the fall meeting in Long Island, New York. At both of those meetings, while discussing the draft version of NFPA 1127, Code for High Power Rocketry, certain non-rocketry related committee members raised questions concerning the purchasing and storage requirements of high-power rocket motors relative to Bureau of Alcohol, Tobacco, and Firearms (BATF) regulations. The committee agreed collectively that all unanswered questions of Federal regulatory authority concerning high-power rocketry should be addressed before continuing with the 1127 code.

At the Long Island NFPA meeting, it was suggested by the committee representative from the BATF that a request be made to the Washington headquarters of the BATF for clarification concerning the particular items in question. It is important to note that a former BATF representative who had been a member of the committee for many years had previously stated that the BATF was not interested in regulating high-power rocketry, but that this position could change in the future depending on circumstances.

## The BATF Letters and the Spring 1994 NFPA Meeting

According to the NFPA/BATF request concerning clarification of this matter, three letters were mailed: two from a specific manufacturer, and one from the Trade Association.

On the last day of the most recent meeting of the Committee of Pyrotechnics, held on 18-20 April 1994 in Salt Lake City, Utah, BATF provided a written response to the manufacturer's letters. This letter indicated, *"...products which have been classified by the Department of Transportation (DOT) as a flammable solid 4.1 or as explosives 1.4c, which are within the 62.5 grams limit contained in NFPA 1122 and conform to the requirements of model rocket motors set forth in 16 CFR section 1500.85(a)(8)(ii)...,"* would meet BATF's requirements for exemption from licensing and explosive storage requirements.

The significance of this letter was that all of those rocket motor products which have not been classified as a flammable solid 4.1 or as an explosive 1.4c were subject to the Federal explosives law, including all applicable licensing and storage requirements.

It quickly became evident that a literal interpretation of the letter dictated that no existing hobby rocket motor product met all the requirements listed for exemption from the Federal explosives laws. Members of the Rocket Caucus became extremely concerned at this point.

Upon bringing this fact to the attention of the two BATF representatives attending the NFPA meeting, the representatives explained that a clerical error had apparently been made in BATF's letter to the manufacturer. They clearly stated that BATF never intended that Federal licensing or storage requirements be made applicable to single-use hobby rocket motors containing no more than 62.5 grams of propellant or hobby rocket reload kits using propellant grains containing no more than 62.5 grams of propellant each. A request to obtain this intention in writing from the BATF is being submitted this week.

## Reasoning Behind the BATF's Decision

According to BATF regulations, hobby rocket motors are considered to be "propellant actuated devices", a category of products exempt from the licensing and storage provisions of the Federal explosives laws. No weight limits are currently listed for this exemption in the regulations.

In their letter to the manufacturer, the BATF explained that *"During the early 1970's when the Bureau of Alcohol, Tobacco and Firearms (BATF) was assigned the responsibility of enforcing the Federal explosives laws, it was clear that we did not intend to regulate toy model rockets which did not constitute a public safety hazard. The exemption for model rocket motors, common fireworks, and propellant-actuated industrial tools was intended to cover explosive items that because of the small quantities involved, would not likely be a source of explosives for a bomb or be a hazard during storage situations. The explosives exempted were toy paper caps and other similar items. The largest model rockets that we were aware of were the Estes model "D" type engine."*

Therefore, when inquired as to whether high-power rocket motors could be considered to be "propellant actuated devices," and thus exempt from the Federal explosives laws, the BATF explained that the original exemption legislation was never intended to include larger rocket motor products such as those used in high power rocketry, even though this was not readily apparent from reading the regulations. The BATF representatives at the NFPA meeting stated that the hobby of high-power rocketry has simply been promoted to a degree of public exposure and adverse incident potential where the BATF is now compelled to "draw the line", so to speak, at the 62.5 gram level where they believe the intent of the law limits the definition of "propellant actuated devices". The representatives also stated that this clarification will be written into the next revision of the BATF regulations.

## Implications and Analysis

Based on this informal clarification from the BATF, it is our belief that:

(a) single-use model rocket motors containing no more than 62.5 grams of propellant are exempt from Federal licensing and storage requirements;

(b) reloadable rocket motor products are also exempt from Federal licensing and storage requirements, provided that the mass of each propellant grain is no more than 62.5 grams, and has received a DOT shipping designation as Explosive 1.4, but may not be made available to children;

(c) any single-use motor containing propellant mass greater than 62.5 grams, or any reloadable rocket motor product containing a propellant grain which weighs more than 62.5 grams, is subject to Federal licensing and storage requirements.

## How Does This Affect the Rocket Community?

Because BATF has now ruled that many of the products currently used by the high-power rocket community are, in fact, subject to Federal licensing and storage requirements, manufacturers, importers, dealers (which includes distributors), and most users are required to abide by various aspects of the Federal explosives law.

Manufacturers of hobby rocket motors, which includes model and high-power rocket motors and reload kits, are subject to Federal, and possibly state and local, licensing requirements for the manufacturing of an explosive. On the Federal level, this involves obtaining a low explosive manufacturing license from BATF, at a cost of $50 for the first year, $25 for each subsequent three-year period.

Dealers (and distributors), of high-power rocket motors and reload kits as described in item (c) above, are subject to Federal, and possibly state and local, licensing requirements for the dealing in explosives. On the Federal level, this involves obtaining a low explosives dealer license from BATF, at a cost of $20 for the first year, and $10 for each subsequent three-year period.

Users (e.g. consumers, flyers) of high-power rocket motors and reload kits as described in item (c) above, are subject to Federal, and possibly state and local, permit requirements for the purchase and storage of explosives. On the Federal level, this involves obtaining an explosive user permit from BATF, at a cost of $20 for the first year, and $10 for each subsequent three-year period. An important exception to the Federal requirement for a user permit is if the user were to purchase a motor or reload kit in his state of residence as defined by BATF, and either (a) use the motor or reload kit at the site of purchase (e.g. a launch), or (b) transport it to an approved storage facility located within the boundaries of said state.

Everyone--manufacturers, dealers (distributors), users--who stores (as defined by the BATF) a high-power rocket motor or reload kit as described in item (c) above is subject to Federal, and possibly state and local, requirements for the storage of explosives. All storage of a high-power rocket motor or reload kit must be in accordance with

Federal explosive storage requirements, even if a Federal license/permit is not required for purchase. There are no exceptions to this rule.

### Thermalite

Thermalite is a brand name for igniter cord. Purchase and storage of igniter cord is regulated by BATF. Purchase and/or storage of igniter cord, IN ANY QUANTITY, requires an explosive license and an approved storage facility, i.e. an explosive magazine. This includes thermalite in any length, including the one inch lengths commonly included with motors produced by various manufacturers. The only exception to this would be the purchase by a user for immediate use in the state where he/she resides.

### Changes Within The Consumer Organizations

In order to keep the expenses of compliance to a minimum, it is highly recommended that clubs, such as Tripoli Prefectures, obtain an approved explosive magazine or magazines for the storage of its members' high-power rocket motors, reload kits, and/or igniter materials which are subject to the BATF storage regulations.

### Members

Any high-power rocket consumer may obtain a magazine for his own private storage. However, it is not necessary, if motors were consumed at the point of purchase (e.g. a launch), for consumers to have an explosives magazine.

### Dealers

Dealers will need to obtain an approved explosive magazine or magazines if high-power rocket motors, reload kits, and/or igniter materials which are subject to BATF storage regulations are stored.

### How Does This Affect NFPA 1127?

At the most recent NFPA Pyrotechnics Committee meeting, held in Salt Lake City, Utah, it was decided that the draft document NFPA 1127, Code for High Power Rocketry, be distributed for public comment. During this public comment phase, members of the rocket caucus will be submitting comments requesting that NFPA 1127 include wording which would incorporate appropriate references to the BATF licensing and storage requirements for high-power motor products.

### Responsibility of the Members

While no massive law enforcement action has been announced or is expected, we need to start immediately to work towards bringing the high-power rocketry community into full compliance with the law as it is now being interpreted. As long as the regulators see that there are consistent and substantial efforts being made towards compliance, enforcement actions can be avoided. Of course, we do not have an indefinite amount of time in which to work towards compliance. The Trade Association will be requesting a 6 to 12 month period from BATF to effect compliance. The BATF has already indicated that this may be an acceptable time period.

Are the above our only options? No. The consumer groups and the Trade Association have already initiated the process to exempt high-power rocket motors, reloads, and related items from the Federal explosives laws. It is also our intention to investigate the possibility of obtaining an amendment to Title XI, Regulation of Explosives (18 U.S.C. Chapter 40) of the Federal explosives law. Unfortunately, both of these processes will take a considerable amount of time, and the high-power rocket community has to bring itself into full compliance with the law while these other avenues are pursued.

While it may be tempting for an individual to voice his opinion to BATF over the above matter, at this time it is not prudent to do so. In fact, any such action would, at a minimum, be counterproductive, and, in all likelihood, would encourage the BATF to take on an adversarial role. Currently, the BATF has indicated a willingness to work with the high-power rocketry community. We need to preserve and foster this relationship for the good of the hobby. There will be a time in the future when the community will need to respond loudly. We, the rocket community, need to maintain the maturity required in order to see this through an amicable process to the desired conclusion.

/s/
Michael W. Platt
President
High Power Rocket Manufacturers
and Dealers Association, Inc.

/s/
Charles E. Rogers
President
Tripoli Rocketry Association, Inc.