

United States Department of Agriculture
Animal and Plant Health Inspection Service

Wildlife Services Directive

WS 2.627
11/21/2022

EXPLOSIVE PEST CONTROL DEVICES USE AND SAFETY

1. PURPOSE

To establish procedures and accountability for the safe and secure handling and use of explosive pest control devices (EPCDs), commonly referred to as pyrotechnics, for Wildlife Services (WS) personnel and to ensure that applicable laws, regulations, and policies are observed.

2. REPLACEMENT HIGHLIGHTS

This Directive replaces WS Directive 2.627, Pyrotechnics, dated, November 29, 2017.

3. AUTHORITY

- a. 7 U.S.C. 8351 to 8353, and 16 U.S.C. 667, authorizes officers, agents, and employees of the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) to conduct a program of wildlife services and to enter into agreements with states, local jurisdictions, individuals, and public and private agencies, organizations, and institutions for the purpose of conducting such services.
- b. Authority to promulgate a policy addressing employee responsibilities is pursuant to USDA Departmental Regulation 4070-735-001, dated October 2007.

4. BACKGROUND

EPCDs can be effective non-lethal tools for mitigating wildlife damage to agriculture, property, natural resources, and human health and safety. The use of EPCDs can be cost effective and provide a value-added benefit to an integrated wildlife damage management program. EPCDs contain regulated explosive materials requiring specific safety, security, storage, transportation, and records maintenance procedures.

5. POLICY

- a. Trained WS personnel are authorized to use commercially available EPCDs for official government duties.
- b. EPCDs and other explosive materials must be stored, transported, and accounted for in accordance with the procedures in the Storage and Transportation of Explosive Pest Control Devices Standard Operating Procedures FP/WS 004.0.

c. Accidents, theft, or loss

- (1.) An employee with knowledge of theft or loss of any explosive material must immediately notify their supervisor and the incident must be reported to the WS Deputy Administrator through the supervisory chain of command. The employee must then contact local law enforcement and the Explosives Safety Sub-Committee Chair. Finally, the State Director/NWRC Project Leader or their designee must report the incident within 24 hours to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), U.S. Bomb Data Center.

ATF – U.S. Bomb Data Center contact and reporting information:

Phone: 1-800-461-8841 (1-800-800-3855 on weekends or after-hours)

Fax: 866-927-4570 Email: USBDC@ATF.Gov

Obtain a police report and complete the ATF Form 5400.5, Report of Theft or Loss-Explosive Materials, and submit any additional reports, documents, or invoices as required.

- (2.) Any suspicious, unusual activity, attempted theft of explosives, break-ins or attempted break-ins into buildings storing explosive materials must be reported in a timely manner to local law enforcement and the Explosives Safety Sub-Committee Chair. Any incident must also be reported to the WS Deputy Administrator, through the supervisory chain of command.
- (3.) All accidents must be immediately reported by the supervisor to the APHIS Safety, Health, and Environmental Protection Branch, WS Safety and Health Manager, and the WS Explosives Safety Sub-Committee Chair. Additionally, accidents must be reported to the WS Deputy Administrator, through the supervisory chain of command.

6. IMPLEMENTATION

- a. Before using EPCDs, WS personnel must complete the WS National Training Academy (NTA) EPCD online employee training.
- b. Before using 12-gauge shotgun shell EPCDs (shell crackers), WS personnel must first complete the initial WS firearms safety training National Rifle Association (NRA) Basic Shotgun Shooting Course or the NRA FIRST Steps Shotgun Orientation.
- c. Supervisors must ensure EPCD trained personnel receive the “Protect Yourself: Pest Control Pyrotechnics” Occupational Safety and Health Administration (OSHA) Quick Card.
- d. WS personnel using EPCDs must wear personal protective equipment (PPE) including hearing and eye protection. Protective gloves are recommended.

- e. WS personnel transferring EPCD's to cooperators or outside entities must provide them with EPCD safety instruction (classroom or PDF) developed by the NTA and complete a WS Form 49: "Permanent Assignment of Pyrotechnics and Repellents" for each transaction. WS personnel must also provide the cooperator with the "Protect Yourself: Pest Control Pyrotechnics" OSHA Quick Card.

Federal, State, and political sub-divisions are exempt from the requirement to hold an ATF explosives license for the distribution and receipt of EPCDs. Government agencies can transfer EPCDs to other cooperating government entities, however the exemption does not extend distribution to non-government entities. Only specific EPCDs, classified as *articles pyrotechnic*, are exempt under ATF federal explosives regulations and are eligible for distribution to non-government entities.

27 CFR 555.141(a) (3) & (7)

- (1.) WS may transfer any EPCDs to a cooperating agency of the United States, State, Tribe, or political subdivision (e.g., other government wildlife agencies, port authorities, municipal operated airports, landfills, etc.). This includes EPCDs typically advertised as 'For Sale Only to Wildlife Professionals' or similar statements.
- (2.) Any EPCDs that WS transfers to cooperating non-governmental entities (e.g., industry personnel, agriculture producers, aquaculture sector, homeowner associations, private airports or landfills, etc.) must meet ATF's criteria for '*articles pyrotechnic*.' EPCDs meeting this criterion are typically labeled as 'No Federal Explosives License Required' or similar statements.

The EPCD manufacture packaging and supplier websites should specify the ATF classification. EPCD commercial product names are similar, but ATF classifications vary. Personnel with questions about particular EPCD product classification should consult their supplier to determine which products are exempt under ATF federal explosives regulations.

7. DEFINITIONS

- a. Articles pyrotechnic: Pyrotechnic devices for professional use similar to consumer fireworks in chemical composition and construction but not intended for consumer use. Such articles meet the weight limits for consumer fireworks but are not labeled as such.
- b. Explosive Pest Control Devices (EPCD): Commercially available explosives used in the field of animal or pest management to minimize crop damage or interference from birds and mammals at airports, landfills, farmland, golf courses, fishing areas, or other areas of concern. Other common names include bird bombs, screamer sirens, whistlers, bird bangers, shell crackers, CAPA, or variations.
- c. Pyrotechnics: Any combustible or explosive compositions or manufactured articles designed and prepared for the purpose of producing audible or visible effects which commonly include EPCDs and commercial fireworks (e.g., bottle rockets, firecrackers, etc.).

Note: Although all EPCDs are pyrotechnics, not all pyrotechnics are EPCDs. Proposed use of non-EPCD pyrotechnics must be approved by both the WS Explosives Safety Sub-Committee and the WS State Director/NWRC Project Leader prior to use.

8. SCOPE

This Directive is applicable to all WS personnel.

9. REFERENCES

- a. ATF Publication 5400.7, Federal Explosives Law and Regulations
- b. Title 27 Code of Federal Regulations, Part 555, Commerce in Explosives
- c. Title 29, Code of Federal Regulations, Part 1910.109, Explosives and Blasting Agents
- d. APHIS Safety and Health Manual
- e. WS SOP FP/WS 004.0, Storage and Transportation of Explosive Pest Control Devices

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