

Handloading of Ammunition Regulations: Replies to Questions

R Whitehead of the Moncton Gun Club sent a number of questions on the current Explosives Regulations to the Explosives Regulatory Division (ERD) on 16 November 2009. Replies were presented at a meeting arranged by Mr. Whitehead on 24 November.

Q. Who is responsible for enforcing the Act and Regulations?

A. The Explosives Regulatory Division of Natural Resources Canada

Q. Many of us have reloaded ammunition for 35 to 40 years and were never aware of any regulations in this regard nor have any of us ever been subject to an inspection or search in relation to storage or reloading of ammunition. Why is this the case?

A. The regulations that had been in existence for many decades were deemed to be adequate as historically there have been no issues with storage for personal use. Thus, ERD did not engage actively with reloaders until around 1980 when changes to the *Explosives Act* made factory licences a legal requirement to load ammunition. At that time, we actively consulted groups representing the interests of reloaders / shooters in order to develop the reloading regulations. Several requests for reloading permissions (required for resale only) were submitted to ERD following the 1980 amendments. These requests subsided in the following 10 years. There was limited interaction with this community until 2004. Contact with clubs and associations such as the Canadian Shooting Sports Association (CSSA) and the National Firearms Association (NFA) resulted in the proposals document of 2006. Currently, user information is provided through the web.

Q. The first many of us were became aware of any regulatory requirements were in 2005 and 2006 when we first heard of proposed amendments and most of us thought that this had "died" due to the multitude of complaints filed. Why hasn't the Minister of Natural Resources (Canada) taken some responsibility here and informed us of these regulations in the past? Is enforcement being beefed up now in response to 911 and potential terrorists threats?

A. No, but while there is no direct connection to counter-terrorism it is important to note that smokeless powder is the filler of choice in pipe bombs in North America.

Q. Are those of us who reload or store ammunition subject to warrant-less searches or inspections? Please explain fully under what grounds we can expect to be subject to inspections and/or searches

A. A warrant or the occupant's consent is required for an explosives inspector to inspect a private dwelling. Inspections of private dwellings are low on our inspection priorities, and would rarely occur. (In fact, to my knowledge none have ever taken place.) A warrant is not required to inspect other places if explosives are being manufactured, stored or sold there. A peace or public officer (which does not include explosives inspectors) may exercise a search without a warrant if grounds exist to obtain a warrant, but because of exigent circumstances it would be impracticable to obtain a warrant. This power is used for the enforcement of the Explosives Act (i.e. prosecution), not ensuring compliance with the Act (i.e. inspections).

Q. In your draft of proposals you state "stakeholder position" and indicate in all instances that they agree with proposals. Who are these stakeholders? Many of us have been reloading ammunition for 35 to 40 years and we were not contacted to provide any feedback at all on these proposals. Can you identify where across Canada these consultations were held and who participated? I also would like to be made aware of when, where and who participated in this process in the Province of New Brunswick

A. A presentation followed by discussions was made at the New Brunswick Department of Public Safety's Shooting Club Workshop on 27/28 November, 2004. About 40 attendees were present. In 2005, proposals were sent to six shooting clubs and associations. CSSA, NFA and Dominion of Canada Rifle Association responded. A web-based survey was carried out in early 2005, and the responses consolidated. Representatives of SAAMI, Winchester and Williams' Arms were also consulted. The 2006 proposals cover most of the issues raised in these discussions.

Q. Current regulations state that propellant explosives are essentially low explosives but black powder is extremely sensitive to spark and friction; that black powder is fast burning and burns at the same rate whether confined (as in a gun) or unconfined. The burning rate and speed of smokeless powder is greatly increased when confined. Explain.

A. Our concerns for black powder are naturally higher due to its properties and destructiveness. UK tests showed that a single 500 g can of black powder initiated by a fire could destroy a room.

Q. Percussion caps and primers are given the same classification? So when we read percussion cap this is synonymous with primer. Correct?

A. Yes

Q. *A person may import for personal use without an importation permit the following:*

5000 cartridges (except hollow point handgun ammo)

5000 percussion caps (primers)

5000 empty primed cartridge cases

8 kg (17.6 lbs) of black powder in cans of 500g or less

8 kg (17.6 lbs) of smokeless powder in cans of 4000g or less

How is import defined in the Act or Regulations? Does import mean from the U.S.A. and other Provinces? Is there a "and" or is there an "or" after each one of these allowances? i.e. Can I import 5000 primers and 5000 primed cases? Can I import 8 kgs of black powder and 8 kg of smokeless powder?

A. Importation means into Canada from a foreign point of origin. It does not refer to inter-provincial / territorial movement.

Yes you can import 5000 primers and 5000 primed cases.

The 8 kg. import exemption is an aggregate total, i.e. any combination of Black and Smokeless Powders whose total combined quantity does not exceed 8 kg. This exemption is per person. If there are 2 people in the vehicle then they each can import 8 kg. However, please note that US regulations prevent aliens from exporting powder, ammo and components out of the US.

Q. *Propellants not exceeding 10 kg (22 lbs) in their approved canisters, caddies and kegs may be stored on residential property, providing they are in a locked substantial magazine which is kept clean and used exclusively for propellants. No federal licence or possession permit is required for this type of storage. The outside of the magazine must be marked with the word "EXPLOSIVES". No flammable or highly combustible material may be stored in or near the magazine.*

What is considered to be a substantial magazine? It appears that primers cannot be stored in the same magazine as propellants. Is this correct?

A. Historically, lockable cabinets such as filing cabinets, built-in compartments in a garage or basement, robust cabinets made of wood e.g. $\frac{3}{4}$ inch plywood have been deemed to be suitable. They must be lockable to prevent unauthorized entry. This is aimed at protecting children who may live in or visit the residence where powders are kept as well as to offer some protection from theft.

The warning signage is aimed at firefighters to protect them in the event of entering to fight a fire.

Powders and primers must be kept in separate locked stores or receptacles.

Propellants not exceeding 75 kg (165 lbs.) that are in their approved canisters, caddies and kegs must be kept in a locked magazine located at safe distances from living quarters and dwellings, and from public thoroughfares such as streets and alleys. No federal licence or possession permit is required for this type of storage. The magazine, either a building or receptacle, must be marked on the outside with the word "EXPLOSIVES" in letters of appropriate size (sufficient to warn firefighters but not to attract undue attention). No flammable or highly combustible materials may be stored in or near the magazine.

NOTE: Total storage of explosives under paragraphs 17 and 18 must not exceed 75 kg.

Q. What is considered to be safe distances from living quarters and dwellings, and public thoroughfares such as streets and alleys? Do these distances include living quarters within the place where reloading or storage is being conducted?

Please give an example of a flammable or highly combustible material? What is considered near the magazine?

A. The distances are to occupied parts of the surrounding residential homes as well as normal human traffic routes and portions of property where people could be. The concept is stand-off protection in the event of an event. "Safe" is not defined.

Flammables would include containers of gas, solvents, propane cylinders as well as contaminated materials which could spontaneously combust such as oily or solvent contaminated rags etc. The safety concept is absence of clutter lowers fire risk and lessens the severity of a fire if one were to break out.

Q. Can a magazine that is used to store either powders or primers be constructed of wood? If no, what is an approved material that must be used to construct a magazine to store powders or primers?

A. Wood is fine and is preferred. Resin cabinets of substantial construction would be ok too as well as filing cabinets with painted surfaces or ¼ inch plywood liners ("Magazine" refers to those storage places that are licensed. The unlicensed forms of storage are in a dwelling (in a secure manner) and outside storage unit (constructed to prevent unauthorized access and to protect the contents from weather)).

Q. It appears that there are no existing limitations on ammunition storage in relation to amount. Reasonable is the key here. Correct? It does, however, appear that a person reloading ammunition must have three separate storage receptacles; one for powder, one for ammo and a third for primers. Is this correct?

A. Both correct.

Q. Sporting ammunition cartridges may be filled or refilled on residential premises for non-commercial use subject to the following conditions: a) The place at which the filling takes place shall be separated from the magazine in which the propellant is kept. "Place" means a bench or area of work and not necessarily an enclosed space. b) In addition to that contained in the cartridges already made, there shall be no more than 2 kg of propellant at the place. c) No other work shall be undertaken at the place while filling is in progress. d) No fire, heater or artificial light (except a light which is of such construction, position and character that it will not cause any danger of fire or explosion) shall be allowed where the filling takes place (and this includes "NO SMOKING"). e) When operations have ceased, the place shall be cleaned to ensure that all spills, loose percussion caps, etc. are cleaned up and destroyed. Remaining propellant and caps should be returned to their respective packages and then to the magazines
Related Questions: (a) "Place" – it appears here that it is permitted to reload ammunition in the same room as powder is stored. Is this correct?

A. Yes - the powder storage can be in the same room as the loading operation provided the lid / door of the magazines are kept closed during loading. Safety concept is to prevent an event should it happen in the loader / hopper from communicating rapidly to the mag. This is to maximize the chance of safe evacuation for all occupants in the residence.

Q. (b) It appears here that 2 kg (4.4 lbs) of powder can be stored on the loading bench while loading, no more. Is that correct?

A. Yes – “kept” at the ready while loading is in progress. When loading is done all powders, primers and finished ammunition are to be returned to their magazines and locked up.

Q. No fire or heater can be allowed where the filling takes place. Does this mean there can be no heat permitted in this place? It is important to note that in rural and even urban areas people use propane/natural gas heaters, wood fired furnaces and electric heaters to heat their homes. So, does this mean none of these can function when the loading takes place or at any time?

A. In this context, “place” does not mean the whole building, but rather the actual area where reloading takes place. The intent is no open flame or heater of such character and surface temperature that a propellant spill, especially in the case of black powder, could lead to a fire. Presumably, the bench can be positioned away from baseboard heaters, so that a spill would not land on the heater. Modern enclosed oil filled radiators would be fine. Wood stoves would be ok if they are a safe distance or there are intervening partitions.

Q. e) Clean up – example – a person who reloads for skeet shooting may have as many as five (5) loaders on his bench to reload .410, 28, 20 and 12 gauge ammo. This would/could include two (2) reloaders for different weights of lead for the 12 gauge. Normally reloaders fill the “hoppers” or bottles on these reloaders with lead and powder and reloaders do not usually empty these “hoppers” when finished loading a certain amount of shotshells. Does this mean that the “hoppers” must be emptied of all powder when finished reloading, each and every time?

A. Common sense should prevail. If there are children under 18 in the house or there is the likelihood of children being able to approach the loading equipment, the hoppers need to be emptied to ensure that the powder is not at risk at being taken for fun / experimental reasons. Alternatively, if the reloading room access can be locked or restricted to prevent unauthorized access, the hoppers could be left with residual powder in them.

Q. What other regulations is a reloader of ammunition required to abide by under existing legislation?

A. There is no other relevant legislation administered by NRCan.

Additional Comments:

I have distributed your proposed regulatory amendments to trap and skeet shooters in the Maritime Provinces and have received a considerable amount of negative feedback. I have also sent your document to black powder shooters and hunters, sporting clubs, etc. also through contacts I have with other Provincial and Territorial Wildlife Federations and most are very concerned. Not only are they concerned with the proposals they are concerned with existing regulatory requirements which most of them knew nothing about. Most want to know why they are being persecuted. How many incidents regarding explosions have occurred as a direct result of hand loading or storage of black or smokeless powders? What are the statistics here?

Handloading has an excellent safety record. There are a few recorded incidents where excessive quantities of stored propellants have caused significant damage to houses involved in fires. There are also at least two cases where children have accessed their parents' propellant supplies and caused personal injury and damage. The purpose of the regulations is to set out what is safe and reasonable.