

Comment Info: =====

General Comment:Ladies and Gentlemen,

As an avid member of the sport shooting community, I buy, reload and shoot both black powder and smokeless powder. I have also sold guns, ammunition and reloading supplies in retail establishments. As you may have noted, the proposed rule changes have many people concerned. Many have the idea that it is a back door attempt to legislate shooting sports away, while others are very concerned how the new regulations will affect the cost of our sports.

Here are a few areas that I question:

?Paragraph (e)(1)(v) would require the employer to ensure that detonators are not transported with other explosives in the same vehicle, unless packaged, segregated, and transported in accordance with the regulations of DOT (49 CFR chapter I)?

Does this include percussion caps? If so, then a small retailer cannot purchase a few pounds of black powder or Pyrodex, and 10 tins of percussion caps, and expect them to arrive in the same UPS truck. If the parcels don't come in the same truck the extra trip will cost more in freight, adding to the cost to the consumer. Sooner or later the consumer will not be able to handle all of the added costs this government keeps tacking on.

The changes in the transportation rules have many thinking that the freight companies will no longer ship black powder and small arms ammunition. Many citizens have read the information on line and come to the conclusion that only a trailer full of any explosive could be carried. I do not believe that is your intent but, honestly, I am not sure.

"Paragraph (e)(1)(iii) would require the employer to ensure that explosives are not transferred from one vehicle to another without informing local fire and police departments. This will help to ensure that the transfer is performed in a safe manner.?"

Here is a rather reasonable scenario for you. A truckload of mixed cases of Hogdon powder is shipped to the jobber, and that jobber unloads the powder to his establishment, reloads it into 35 trucks to be shipped to 60 different wholesalers, who reload it and ship it to 350 different retail establishments over the course of a number of weeks. Some of these shipments will be as small as a single one pound can. If everyone follows the paragraph above to the letter, that will cause an inordinate amount of phone calls to fire and police agencies. I believe that the police and fire departments have other duties.

?Issue #4: OSHA seeks specific comments on the impact proposed paragraph (c)(3)(iii) would have on the storage and retail sale of small arms ammunition, small arms primers, and smokeless propellants. Do open flames, matches, or spark producing devices create a hazard when located within 50 feet of small arms ammunition, small arms primers, or smokeless propellants, or facilities containing these products? Can employers involved in the storage or retail sale of small arms ammunition, small arms primers, or smokeless propellants prevent all open flames, matches, or spark producing devices from coming within 50 feet of these products or facilities containing these products? If not, why not? Should proposed paragraph (c)(3)(iii) use a protective distance other than 50 feet and, if so, what distance should it be and why? Should OSHA exclude small arms ammunition, small arms primers, and smokeless propellants from the requirements of proposed paragraph (c)(3)(iii)??

One of the main reasons that many retail establishments cannot keep ?all open flames, matches, or spark producing devices from coming within 50 feet of these products? is that many retail establishments are not that big physically. I know of three sporting goods stores in the local area that are converted from old gas stations, because the station buildings were not large enough to become mini-markets! One, in particular, has less than 30 feet of sales counter, and the corresponding amount of display wall behind it.

The second main reason is the retail customer. Elsewhere in the document it is stated to keep cellular phones out of storage facilities. Yet a retail establishment may have a number of one pound canisters of smokeless or black powder on a shelf, and numerous customers carrying cell phones. Since the cans gunpowder are shipped and stored in metal or static resistant plastic containers, this has seldom, if ever been a problem.

?However, note that under Sec. 1910.1201(d), for non-bulk packages containing explosives that will not be reshipped, the requirements of Sec. 1910.1201 are met if a label or other acceptable marking is affixed in accordance with the Hazard Communication standard (see Sec. 1910.1201(d)). Under Sec. 1910.1201(e), non-bulk packaging is defined at 49 CFR 171.8 as packaging which has: (1) a maximum capacity of 119 gallons (450 L) or less as a receptacle for a liquid; (2) a maximum net mass of 882 pounds (400 kg) or less and a maximum capacity of 119 gallons (450 L) or less as a receptacle for a solid; or (3) a water capacity of 1000 pounds (454 kg) or less as a receptacle for a gas as defined in 49 CFR 173.115.?

This paragraph gives me a touch of hope, but how does it relate to the questions that I posed above? Does a ?non-bulk? shipment mean that a small shipment of powder can be in the same UPS or Fed-Ex truck with a shipment of percussion caps? Does the name ?non-bulk? on a shipment make a special phone call to the local police unnecessary? If this is magic verbage to save the small retailer and the consumer time, money and heartache, state it in clear concise English.

PS Making my address required and a publically veiwable field is an invasion of privacy.