

Constance M. Campbell  
13 River Bend Drive  
Kennebunk, ME 04043

ORIGINAL

July 8, 2007

OSHA Docket Office  
Docket No. OSHA-2007-0032  
U.S. Department of Labor  
Room N-2625 200  
Constitution Avenue, NW  
Washington, DC 20210

OSHA  
DOCKET OFFICER  
DATE \_\_\_\_\_  
TIME \_\_\_\_\_

**RE: Docket No. OSHA-2007-0032  
Request to Extend Public Comment Period and Request for Hearing on  
"Significant Regulatory Action" as Defined in Executive Order 12866**

Dear Secretary Chao:

I am writing to request an extension for public comment set to expire on July 12, 2007 for *Preliminary & Initial General Observations on OSHA Explosives Proposed Rule (29 CFR Part 1910) - Published at Federal Register Vo. 72, No. 71, at P. 18792 (April 13, 2007).*

After reviewing the proposed regulations it is my belief that the proposed rule is a "significant regulatory action" as defined in Executive Order 12866 (1993) Sec. 1(f)(1) in that it will clearly "adversely affect in a material way" the retail sector of the firearms and ammunition industry, productivity, competition and jobs and that the annual compliance cost for all retailers of ammunition will far exceed \$100 million dollars.

Below is a bulleted list of what I am most concerned about:

- **Massive Costs:** The cost to comply with the proposed rule for the ammunition industry, including manufacturer, wholesale distributors and retailers, will be massive and easily exceed \$100 million. For example, ammunition and smokeless propellant manufacturers would have to shut down and evacuate a factory when a thunderstorm approached. The proposal mistakenly states that this is an industry standard practice. A retailer would have to do likewise. Thus retailers, such as Wal-Mart, selling ammunition would have to close down and evacuate customers. This is simply not realistic.
- **Exacerbate Ammunition Shortage to DoD and Law Enforcement:** The proposed rule has major National security and homeland defense implications. There is already a shortage of ammunition for our troops and law enforcement. The Department of Defense has contracted to purchase ammunition from the commercial market because the Department's arsenal cannot meet demand. The rule will delay production and massively increase prices, making the ammunition shortage even more severe. In addition, the rule applies to the DoD arsenal, which is run by a commercial manufacturer under DoD contract.
- **Unrealistic Assumptions:** Portions of the proposed rule are not feasible and cannot realistically be complied with. The concept of evacuation to "a safe remote location" in case of thunderstorms or accident is untenable to manufacturers and retailers and is in disagreement with the DoD Safety Manual for Ammunition and Explosives.

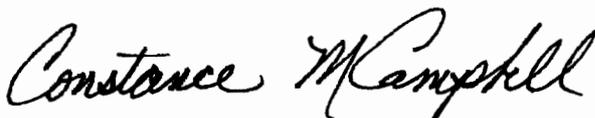
- **One Size Fits All Approach:** The provisions in this proposal treat all explosives as if they have the same degree of hazard to employees. Retail outlets for small arms ammunition, primers and smokeless propellants, including massive facilities such as Wal-Mart, must maintain a fifty-foot barrier and specifically authorize all customers to enter only after searching them for matches or lighters (c.3.iii.A) and determining that they are not under the influence of drugs or alcohol (c.1.vii). This is despite the fact that small arms ammunition is extremely safe even when subjected to open flame, heat and shock. A customer still wouldn't be able to purchase the ammunition because under this rule they are not allowed to carry it from the counter to the exit (c.3.iii.C). Even more damaging, the many "mom and pop" firearm outlets located in strip malls would be forced to shutdown as they have neighbor stores fewer than 50-feet away.
- **Shipping is Halted:** Proposed restrictions on transportation exceed current DOT regulations. Mandating wood-covered, non-spark-producing material in trailers for small arms ammunition shipments would bring the transportation of ammunition to a near halt. There are simply not enough trailers in existence today that would be able to substitute for traditional, metal covered surfaces. Small package carriers such as UPS and Fed-Ex would be prohibited from carrying ammunition and components which would shut down mail order houses such as Cabalas and Bass Pro shops and many business to business transactions. This section alone, with all it would entail (such as two drivers at all times), is capable of paralyzing our industry.
- **National Fire Prevention Association (NFPA) Rules Exceeded:** Proposed restrictions exceed NFPA regulations and would, for example, reduce commercial establishment displays of smokeless propellant from 50 to 20 lbs with no commensurate increase in safety. This will only add to dramatically increasing the cost to manufacturers and consumers.

It is quite evident that, as a result of the proposed regulations, the constitutional rights of United States citizens that are guaranteed under the Second Amendment to the U.S. Constitution would be most seriously compromised.

By the way, it bears noting that scientific testing and safety records clearly illustrate that small arms ammunition is inherently an extremely safe product. I cannot recall a single instance where fire, shock, heat or lightening has resulted in injury from the accidental detonation of small-caliber ammunition. Billions of rounds of ammunition are sold each year in the U.S. and records demonstrate that current production and safety requirements are working.

I urge OSHA to grant an extension to this critical regulatory process.

Sincerely,



Constance M. Campbell

Constance M. Campbell  
13 River Bend Drive  
Kennebunk, ME 04043  
(207) 985-2672  
tcampbell@gwi.net

## **FAX COVER SHEET**

(3 pages including cover page)

**DATE:** July 7, 2007

**TO:** OSHA Docket Office  
Docket No. OSHA-2007-0032  
U.S. Department of Labor  
Room N-2625 200  
Constitution Avenue, NW  
Washington, DC 20210

**FAX #:** 202-693-1648

**SUBJECT:** Docket No. OSHA-2007-0032  
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