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March 3, 2003

Senator Christopher Dodd
448 Russell Senate Office Building
Washington DC
20510

Dear Senator Dodd:

I am asking for your support of the Technical Corrections to the Homeland Security Act that includes an exemption for model rocketry. It is being offered by Senator Mike Enzi of Wyoming. While the Homeland Security Act is an important piece of legislation, I am sure you realize that the Safe Explosives Act imbedded in it inadvertently imposed restrictions on numerous Americans. I am a member of the Amateur Rocketry Society of America (ARSA), National Association of Rocketry (NAR) and Tripoli Rocketry Association (TRA). I would like to bring to your attention how the Homeland Security Act has placed severe restrictions on my hobby. Many of my fellow rocket enthusiasts have found that the new regulations will force them out of the hobby. I do not believe that Congress intended to impose these restrictions on hobby and consumer rocketry.

It seems that this problem originated with the ATF's misinterpretation of what constitutes an explosive. The motors most commonly used in the hobby use ammonium perchlorate composite propellant (APCP), this has been placed on the ATF's explosives list. APCP propellant will burn rapidly when under pressure (as in a rocket motor) but does not explode. As a matter of fact it will self extinguish if the pressure is removed.

Congress defined an explosive as any chemical mixture or device whose primary or common purpose is to function by explosion. Clearly, the primary or common function of a rocket propellant is not to explode. If it was, then consumers would be disappointed when their rocket motors do not explode upon ignition and NASA would stop payment to contractors when their rockets do not explode on the pad. Of course, this is ridiculous. In reality, a rocket propellant is not designed or intended to explode and the ATF's decision to claim a rocket propellant as an explosive is simply wrong. If anything a rocket motor is a propellant actuated device (PAD) which are exempt under current ATF guidelines (27 CFR 55.141(a) (8)).

While the ATF's interpretation has been wrong, it was not until the passage of the Homeland Security Act that our hobby was in jeopardy. Prior to the passage of HSA and SEA users could purchase most motors in their home state or from on-site vendors without needing an ATF permit. Under the new regulations the overwhelming majority of motors require a Low Explosive Users Permit (LEUP) in order to purchase, transport, store, and use. Even worse the LEUP requires an explosive magazine to store motors. Many users, me included, live in areas where we can not build an approved explosive magazine. This is all the more frustrating when one considers that the average home owner has far more explosive items in their garage (gasoline, spray paints, etc.) yet we are required to build an explosive magazine to store motors which don't operate by exploding. This magazine by the way must be at least 75 feet away from all inhabited structures and roads. Then to make certain everyone has a warm fuzzy feeling we have to paint in large letters EXPLOSIVES – KEEP FIRE AWAY on it. This requirement would make sense if we were truly storing explosives, but make no sense when storing APCP based rocket motors which do not function by exploding.

Under the new law, the hobbyist would have to get an ATF permit to purchase, use, store, and transport their consumer rocket motors. Even the simplest permit under the law requires that the hobbyist to be fingerprinted, photographed, interviewed, and have a background check done. The law also requires the permit holder to keep records of all purchases, motors in storage, and use. These records must be available for ATF inspection thus requiring that our homes be open to visits

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from the ATF for these inspections. Again I must stress that these regulations are not sensible since we are talking about APCP motors which are not explosives.

The new law gives the ATF the power to decide who participates in this harmless hobby and who doesn't. Many Americans will choose to drop out of this hobby rather than be subjected to these harsh and ill thought out rules. What will happen to the small businesses that support this hobby? What will happen to the educational "hands on" rocketry programs? How many people decided on careers in science after having had a chance to build and launch their own rocket?

At the end of February, consumers will have to start applying for their ATF permits in order to meet the May deadline for having their permits. At this time the ATF has still not even posted the new form for their Limited Low Explosive User Permit (LLEUP). We have only a few weeks to get this law amended to provide an exemption for rocketry.

If it were later in the year I would invite you to one of our clubs launches so you could see firsthand that this is a safe, family oriented hobby. It is one of the few hobbies that children and parents enjoy together. The local club that I belong to is Connecticut Tripoli Rocketry Association – National Association of Rocketry Connecticut (CTRA-NARCONN). This club is affiliated with both the NAR and TRA national organizations. As such we follow their model and high power safety codes when hosting a launch. Since the late 1950's when organized launches first began these safety codes have served us well. We already operate within boundary's set forth by the FAA, the DOT, NFPA code 1122 and NFPA code 1127. By classifying our rocket motors as explosives the BATF has put our hobby on the brink of extinction.

We need your help in getting these Technical Corrections to the Homeland Security Act passed as soon as possible. You can contact Senator Enzi or Candice Cotton (224-3424) on the Senator's staff to further discuss this issue.

Please let me know if there is anything I can do to assist you in this process.

Sincerely,

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