

SENATE BILL REPORT

ESHB 2499

As of February 24, 2010

Title: An act relating to the regulation of black powder.

Brief Description: Changing regulations concerning black powder.

Sponsors: House Committee on Commerce & Labor (originally sponsored by Representatives Bailey, Chandler, Roach, Schmick and Kretz).

Brief History: Passed House: 2/11/10, 97-0.

Committee Activity: Labor, Commerce & Consumer Protection: 2/18/10.

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Staff: Ingrid Mungia (786-7423)

Background: Under the state's Explosives Act (Act), the Department of Labor and Industries (Department) regulates the manufacture, storage, sale, purchase, transportation, possession, and use of explosives. No person may conduct any of these activities without being in compliance with the Act. The Department has authority to adopt rules regarding explosives activities and issue various types of explosives licenses including dealer, purchaser, and blaster licenses.

Black powder not exceeding five pounds is excluded from the definition of explosives unless it is possessed or used for a purpose inconsistent with small arms use or other lawful purpose. Black powder used in muzzle-loading firearms may be transported in a private vehicle or stored without restriction in private residences in quantities not to exceed five pounds.

The International Fire Code, which has been adopted by the State Building Code Council, limits the storage of black powder and other explosives. Not more than 20 pounds of black powder may be stored in private residences.

Summary of Bill: The amount of black powder which may be transported in a vehicle is raised to 50 pounds. A placard must be displayed as provided by Department rules. Black powder not to exceed 20 pounds may be stored in a private residence in a secure explosives container.

Appropriation: None.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Fiscal Note: Available. New fiscal note requested on February 17, 2010.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The problem is transporting black powder. Re-enactments are living history and a way to teach both history and safety, but the ability to teach is limited under Washington law. For people involved in civil war re-enactment, it is really difficult to transport enough black powder to use in their re-enactment. This bill was adjusted to reflect federal law. The bill was amended to address Department issues. People need to have more than five pounds of black powder. Some cannons use 10 to 11 pounds per hour. A person may have four different types of powder at a time for different arms. A re-enactment can take up to five-pound allowances of eight people. We are hear about safety. This bill is a great start. A re-enactor and competitive shooter goes through 25 to 40 pounds of black powder in a year. Black powder is also used in muzzle-loading competitions and for big game. This bill would allow a person to buy all of their black powder for the year at once.

CON: This bill brings some serious safety concerns. We do not want to detract from family history. The state of Washington has some of the best laws for purchase, storage, and transportation of blasting agents. Black powder has detonating potential regardless of the amount. Complacency over time with safety precautions becomes an issue. Proper training and procedures checks need to be reviewed continuously. This bill does not address a number of issues.

Persons Testifying: PRO: Representative Bailey, prime sponsor; Gary Sheets, Washington State Muzzloader Association; Bill Safford, Roger Hull, Lowell Higley, Jim Genovese, Tom Grisnell, Steve Fairman, Paul Hicks, Washington Civil War Association; Steve Cant, L&I.

CON: Jon Andrews, Washington State Blaster.