

HOUSE BILL REPORT

ESHB 2499

As Passed House:
February 11, 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:

Committee Activity:

Commerce & Labor: 1/29/10, 2/2/10 [DPS].

Floor Activity:

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

Brief Summary of Engrossed Substitute Bill

- Raises the amount of black powder which may be stored in private residences, and transported in private vehicles under the state's Explosives Act.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler, Crouse, Green, Moeller and Williams.

Staff: Joan Elgee (786-7106).

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.

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.

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 Engrossed Substitute 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.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Re-enactments are living history and a way to teach both history and safety, but the ability to teach is limited under Washington law. A teacher uses Civil War re-enactments to make classroom time more effective. Re-enactors are invited to events and places such as parades, funerals, parks, and schools. It is a hobby, is entertaining, and has been recognized by the motion picture industry. People have been doing re-enactments for over 30 years. Re-enactors try to recreate events in minute detail. They do not glorify war.

This bill is a reasonable bill that lines up with federal law. 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 eight peoples' five-pound allowance. 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 will make re-enactments simpler and safer. To get 30 pounds to an event means there are six cars on the road with black powder. Sporting goods stores can only have 25 pounds so people have to go to other states to get powder.

Black powder is safer than smokeless powder and should be treated the same. Fireworks stand businesses store and transport far greater quantities of explosives. Most purchasers of fireworks store more than five pounds in their homes. The United Parcel Service and other carriers can transport, without placards, more black powder than citizens can transport in their personal vehicles.

(Opposed) The Department has nothing against re-enactments and muzzle-loading but there is a public safety concern. Black powder is much more dangerous than smokeless powder. If there is an ignition source, there is considerably more risk with black powder. Federal law does allow greater amounts to be transported. There are fire protection code limits that are more stringent than what the Department allows.

Persons Testifying: (In support) Representative Bailey, prime sponsor; William Safford, Washington Civil War Association; and Gary Sheets, Roger Hull, James Genovese, Paul Hicks, Lowel Higley, and Steve Fairman, Washington State Muzzleloaders Association.

(Opposed) Steve Cant and Mason Reiter, Department of Labor and Industries.

Persons Signed In To Testify But Not Testifying: None.