

# Governing Explosives

## A disaster waiting to happen?



Many attempts have been made by people within the military, public service and private citizens to change the way explosives are governed in this country. Where does the resistance come from? Could it be that those who could rectify the situation are unaware of the problem?

At issue is the lack of safeguards that exist in some provinces, and the fact that we do not have a federal entity taking full responsibility. We have made no attempt to license the purchaser of the most indiscriminate weapon that exists in modern society.

At best, this problem may come down to misaligned responsibilities. Confusion seems to exist between provincial authorities and those that truly understand the product and the end user.

The Explosives Branch in Ottawa, which consists of the Explosives Regulatory Division (ERD) and the Canadian Explosives Research Laboratory (CERL), under Natural Resources Canada, is headed by Dr. Christopher Watson. The Explosives Branch administers (licences and inspects) and ensures compliance with the *Explosives Act*, and approves all types (imported or domestic), packaging, transportation, and storage of explosives.

Within Europe, South America, Australia and the U.S. strict rules are in place to protect the public. I have worked in these areas and find the process to be cumbersome at times, but workable.

Canada, in comparison, is very lax, and our regulations vary by province. Only British Columbia, Quebec, and some parts of Saskatchewan require licensing of blasters, and no ministry directly controls the explosive products.

In the USA, each State licenses and screens Explosives Engineers. As the end users, they control their inventories under stringent rules and must explain the use and location for every kilogram of explosives and detonators purchased. They are

*In order to purchase ammunition for a gun, we need a license to show that it is registered; we have a mandatory hunters' safety course; the individual who fills your propane tank must be certified; we need a license to purchase bulk quantities of pesticides – and yet, in Ontario, we can purchase high explosives with a driver's license.*

held personally responsible and accountable for the use and actions of the products they receive.

All purchasers in the USA must have a Bureau of Alcohol Tobacco and Firearms (BATF) license and must complete end-use statements before it is legal for a supplier to ship them products. Suppliers are also licensed and governed by stringent rules. If the supplier does not adhere to these conditions, there are severe penalties.

Every driver hauling explosives within the USA must have a psychological and security clearance from the Department of Homeland Security. Each vehicle carries a GPS system, and is monitored. Dispatchers must have routing and schedule details for each truck on the road. Australia is governed in much the same manner.

Within South America and Europe, the rules are even more stringent and the penalties for violations involve incarceration. In some cases, all explosives are governed by the military and no movement of the product is allowed unless armed police or military personnel accompany the shipment. This level of control may be extreme, however, it shows the extent to which safeguards can exist.

All of these countries have approval processes that govern what types of product can be used within their borders.

Hijacking is always a possibility, yet there are no screening or special training

requirements for drivers, who at times are carrying 20,000 kg of high explosives on highways through Canada. Disturbingly, these shipments are not tracked by any regulatory agency. These oversights should be addressed quickly, for obvious reasons.

Much of the public is unaware that anyone in Ontario can purchase a limited amount of explosives and detonators for personal use. Prior to the acts of terrorism it was understood that farmers and the like could use explosives to clear land. This antiquated idea should be halted. Timothy McVeigh needed only 2 kilograms of high explosives to detonate ammonium nitrate in Oklahoma.

It may be a challenge to service the needs of the end user while balancing issues of safety, but it is critical nonetheless. At issue is the need for standards to:

- (a) track explosives within Canada;
- (b) register and screen purchasers; and
- (c) hold suppliers accountable.

The lines governing responsibilities are fuzzy. While the shipment criterion is established by the Explosives Branch, it seems entirely dependent on the provincial ministries to provide adequate information to govern the clearances for enforcement of the *Explosives Act*.

Gaping holes in the governance of explosives must be addressed in order to avoid a serious incident. A *Proposal for Enhanced Explosive Security*, has recently been put forward, introducing new security requirements for explosives, however, Dave McColluch, of the Explosives Branch, explains that it will be 6-18 months before any amendments to the *Explosive Act* can be implemented. These actions still do not close the loop. There is no method to enforce security measures at the provincial level, and the understaffed Explosives Branch does not have the manpower to take on the responsibility

The potential for disaster is irrefutable. We need to coordinate a standard system of governance that does not vary from province to province. Proven systems are out there. The willingness to change must be brought about by an understanding of the problem and a desire to rectify it. **FL**

*Phil O'Garr, a pyrotechnics and explosives consultant, has provided major manufacturers with technical support for over 18 years. He has 15 years experience in the international explosives industry, and five years of military service with the Royal Canadian Engineers.*