

Statement of Assistant Chief Scott MacGregor
California Highway Patrol
2555 First Avenue, Sacramento, California 95818
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Good morning Mr. Chairman and Committee members. My name is Scott MacGregor, Assistant Chief in the Planning and Analysis Division of the California Highway Patrol (CHP). It is an honor to appear before you this morning to discuss the federal and state guidelines for storage, monitoring, and protection of publicly-owned explosive material storage sites.

I will for the most part discuss the activities of the CHP. Let me first say that the CHP follows federal, state, and local guidelines regarding the storage and transportation of explosive materials. The CHP, as a statewide law enforcement agency, has a presence in all 58 counties within the State of California and currently maintains 13 secured Type 2 magazines for explosive materials. The majority of our magazines are maintained for the preservation of explosives in small amounts for the ongoing training of CHP explosive detection canines. The canine handler teams are located throughout the state and are an integral part of our homeland security program.

In response to the recent events in San Mateo County, the CHP, as well as many other law enforcement agencies, has reviewed its procedures to ensure that both the safety and the security of the magazines have not been compromised. This process included a review of federal, state, and local law and guidelines, as well as, discussions with the Bureau of Alcohol, Tobacco and Firearms, the California Department of Toxic

Substances Control, the California State Fire Marshal, and the California Department of Forestry. A summary of our review has been provided to this Committee.

In the time allotted for my remarks, I am unable to adequately describe each agency's specific role and/or responsibility regarding explosives handling. However, I can say that we have been impressed by the spirit of cooperation and the level of communication from federal, state, and local government leaders.

As I'm sure you are aware, law enforcement agencies are exempt from both federal and state laws relating to obtaining a license for storing explosive materials. However, we are not exempt from any of the federal storage requirements. Simply put, we must follow the federal regulations but we do not have to obtain a physical license to do so. On the state level, law enforcement derives state exemption from explosives regulations from the California Health and Safety Code and the California Penal Code. Regardless of the state exemptions, the requirement to follow federal storage regulations still exists. The CHP meets or exceeds all current federal explosive storage requirements.

For example, there are no current federal or state requirements for an outside entity to inspect our magazines. As a matter of departmental policy, the CHP requests and receives, through the California State Fire Marshal, inspections of our magazines to ensure they are properly located and secure. The CHP also receives formal letters of confirmation outlining the inspections and their results. Additionally, the CHP has established guidelines regarding the inventory and inspection of our storage facilities,

and maintains a secure roster of key holders. Further, as a matter of our policy, these magazines do not hold evidentiary explosive materials. We also fulfill notification requirements to local fire officials regarding the locations of our magazines. This varies based on locality.

While not going in to detail regarding the actual CHP security measures, we take into account the need for higher levels of protection based upon the unique nature of the facilities.

If I could summarize from our research, it appears that a statewide list of law enforcement agencies' explosive storage facilities does not currently exist. Since a list of this type may be beneficial for statewide operations, security, and planning purposes, we have provided California's Office of Homeland Security with a list of several items to be considered by the state. They include evaluation and consideration of the following:

- The State of California formally adopt Title 27 of the Code of Federal Regulations.
- The State of California develop and maintain a confidential list of all law enforcement explosive storage magazines and their locations that would be updated on a semi-annual basis.

- Law enforcement agencies conduct and maintain a log of physical security inspections, available for random audit by the State of California.
- Law enforcement agencies provide to the State of California ongoing updated confidential rosters of people who are authorized to access explosive storage magazines.
- Law enforcement agencies maintain current physical inventories of explosive storage magazines for random audit and reporting to the State of California.
- An improved notification system be established for the purpose of collecting and maintaining reports of lost or stolen explosives.

While, the events in San Mateo County were unfortunate, it has given the law enforcement community; and federal, state, and local governments, the opportunity to evaluate current regulatory and operational standards and to take any additional proactive steps necessary to heighten the security of these necessary sites.

Mr. Chairman, I thank you for the opportunity to testify before you and this distinguished Committee. I would be pleased to answer any questions you might have.