

# San Mateo County Times

## Feds: Explosives caches cannot be regulated

Official speaks at U.S. House subcommittee

on national security

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**Tuesday, August 03, 2004** - SAN MATEO – U.S. authorities don't know how many caches of explosives – such as the one broken into recently in San Mateo County – exist, and couldn't regulate them anyhow, a top law-enforcement official testified at a hearing here Monday.

The hearing, held by the U.S. House subcommittee on National Security, Emerging Threats and International Relations, was sparked by the recent theft of 200 pounds of high explosives from a secluded law-enforcement bunker near the Crystal Springs Reservoir.

Legislators grilled federal authorities about the lack of oversight of public explosives-storage facilities and questioned local law enforcement, who admitted to major lapses in the bunker's security system.

"At a time when explosives are so critical in the struggle against terrorism, to see a facility just a few miles from here be as undefended, unprotected... is something we cannot tolerate," Congressman Tom Lantos, D-San Mateo, said during the hearing at San Mateo City Hall.

"We are dealing with a national wake-up call that could be a blessing in disguise."

Lantos' comments come just weeks after the Fourth of July weekend break-in into the Crystal Springs bunker, which was used by the San Mateo County Sheriff's Office, San Francisco Police Department and FBI. Authorities believe one of the four men arrested in the thefts used bolt-cutters to cut the locks of the gates of the facility on July 2, then returned three days later with a blowtorch.

The location of the facility – composed of four reinforced storage sheds – was thought to be secret. It had no video camera and an alarm system that hadn't been functioning properly for 10 years, according to Sheriff Don Horsley.

"In hindsight, the Sheriff's Office administration should have established a regularly scheduled inspection of the site ...," Horsley said. "Clearly, fencing of the site, a functioning alarm and remove surveillance by camera could have prevented this incident from occurring."

Lantos, Congresswoman Anna Eshoo, D-Atherton, and subcommittee chairman Christopher Shays, R-Conn., toured the facility, located adjacent to hiking trails near Highway 92 and Interstate 280, just before the hearing.

All three, sometimes with heated questioning, asked why federal authorities couldn't do more to require that the facility meet certain security measures.

"We need state-mandated requirements. The current regulations, as I read them, don't do what they need to do," Eshoo said. "I can't help think that when we're in the grocery store, there's more security to protect the frozen-food aisle."

Under federal law, the bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has the power to regulate and inspect private facilities, but can only set guidelines for how public agencies store their explosives. While the operators of private sites must have permits and their sites must be inspected every three years, inspections are voluntary for law-enforcement agencies.

Because public facilities are not strictly regulated by the federal government, it is difficult to tell how many exist throughout the country, according to Walfred Nelson, a deputy assistant director with ATF. The agency has just begun a new database that could determine the number and locations of private facilities based on permit information.

"In 2003, ATF received 79 reports of thefts of explosives throughout the country; 73 of which were from private facilities," Nelson said.

"The regulation of explosives is a partnership with industry," Nelson said. "We must rely on them to get the job done and know what the rules are. By and large they do."

"By and large scares the hell out of me," Shays said.

Nelson agreed it would be easier to investigate thefts with stricter oversight of public facilities but said that wasn't possible without new legislation.

"Anything we might attempt would have to be voluntary," he said. "We do not have the authority."

Although comprehensive information isn't available at the national level, inspectors are aware of all the sites locally, according to Marti McKee, spokeswoman for ATF's San Francisco Field Office.

"After 9/11," McKee said, "inspectors from ATF field offices visited all of the private facilities that store explosives. The office knows where all the law-enforcement caches are because of their close working relationship with the other agencies," she said.

"For practical purposes, we do know where they are," she said after the hearing.

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