



Celebrate Legally Campaign Kit

Fireworks Enforcement Campaign

Fireworks Storage

There are two kinds of storage for fireworks:

- "Permanent storage" means storage of display fireworks at any time and/or storage of consumer fireworks at any time other than the periods allowed under RCW 70.77.420(2) and 70.77.425 and which shall be in compliance with the requirements of Chapter 70.74 RCW.
- "Temporary storage" means the storage of consumer fireworks during the periods allowed under RCW 70.77.420(2) and 70.77.425.

Conditions That Apply	Temporary	Permanent
Do I need a license from the State Fire Marshal's Office?	Yes – Retail Fireworks Stand License is required.	Yes – A Manufacturer, Wholesaler or Importer License is required.
Is local approval required?	City or county issuing a retail sales permit will approve the temporary storage site and period of time consumer fireworks can be stored there.	Permits are issued by the city or county in which the storage is to be made. A person proposing to store fireworks permanently shall apply in writing to a city or county at least ten days prior to the date of the proposed permanent storage.
Can conditions for storage be imposed or are there existing conditions?	Needs to be in conjunction with a valid retail sales license and permit.	City or county may place any reasonable condition(s) on any permit granted.
Maximum length of storage?	During the period of time when retail fireworks stands are able to operate.	As long as they have the proper licenses and permits.
Type of fireworks that can be stored?	Consumer fireworks only – 1.4G Fireworks.	Display Fireworks and/or Consumer fireworks – 1.3G and 1.4G.
When can storage begin?	June 28th to July 5th and December 27th to January 10th.	Cannot store without a permit being issued first.
Any other permits or licenses required?	No.	If storing 1.3G fireworks, it needs to be inspected by L&I Explosives Division and have an ATF license for magazine storage.
Who is the primary user of this type of storage?	Firework stand licensees.	Wholesalers, Importers, and Manufacturers.



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Storage of Explosives

Storage is regulated:

The storage of explosives is regulated and licensed by both the Washington Department of Labor and Industries (L&I) and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). If you have questions regarding the storage of explosives, it is best to contact the Explosives Program at L&I, as there are too many nuances to the requirements to provide in a guide.

Explosives are stored in magazines that can be either fixed or portable.

- **Portable:**

Designed to be light enough for daily transportation but are robustly built to protect the contents from incidental contact. Examples of use are the transfer and temporary storage of explosives and detonators.

- **Fixed:**

Designed for both permanent and non-permanent storage of all types of explosives. These magazines are robustly built to protect the contents from contact and the weather.



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Model Plan/Procedure for the Safe Seizure, Transportation, and Storage of Fireworks

Objective:

This document is a general use guideline for jurisdictions in developing a plan and/or procedure for the safe handling of fireworks and illegal explosive devices when involved in the confiscation, seizure, transport, or storage of fireworks.

Safe Handling of Fireworks:

Most unused consumer fireworks pose little danger when still within the original packaging. Items out of the packaging may pose an increased risk if they appear damaged, altered, or susceptible to ignition due to an exposed fuse, leaking pyrotechnic material, or changes to the chemical composition of the explosive material.

Consumer fireworks are manufactured to a standard that, if not compromised, are relatively safe when handling, transporting, or storing. Some of the features are:

- Packing is designed to prevent spontaneous combustion.
- Individual items have covered fuses to prevent accidental ignition of the fuse.

Illegally manufactured items such as M-80's or Cherry Bombs should be handled as little as possible or not at all. These are not fireworks but federally banned explosive devices, as they often do not meet the recognized safety standards. Homemade explosive materials pose a particular risk for injury, since the persons making the devices often lack the knowledge, skills, and experience required for such explosives-related activities. Friction, heat, jarring, or dropping these products can cause them to initiate, resulting in personal injury and property damage.

Agencies should provide personnel information on how to identify and distinguish between consumer fireworks and illegal explosive devices. When in doubt, it is better to err on the side of caution and requests a bomb squad to evaluate the item.

Definitions of fireworks and illegal explosive devices can be found:

- Fireworks are governed by RCW 70.77, the State Fireworks Law
- Illegal explosive devices are governed by RCW 70.74, the State Explosives Law

Agencies should develop a procedure, assigning responsibilities for the seizure, transport, and temporary storage of fireworks.



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Initial Response:

Initial response to fireworks and illegal explosive devices is the responsibility of the local law enforcement or fire agency. However, other first responders that may encounter items are personnel from Public Works or maintenance staff from public schools.

Identify Product/Device:

Some key questions you need to ask yourself in determining the identity of the product or device that you have responded to:

- Is the item a consumer firework or an illegal homemade device?
- If it's a consumer firework, is it banned, restricted, or outside the legal sales/discharge period within the jurisdiction?
- Has the firework caused an injury or fire?
- Has it already been ignited or not?
- Does the current use or possession pose a threat?
 - If the product is deemed to be unsafe:
 - Secure the area
 - Establish a safe perimeter
 - Evacuate if necessary

NOTE: Any illegally manufactured explosive device shall be seized by a law enforcement agency and shall be handled only by a licensed bomb technician per RCW 70.74.400 and WAC 296-52-64005.

Two ways that the fireworks can be removed from their owner:

The agency will need a policy that states if your agency will or will not seize illegally manufactured fireworks or consumer use fireworks being used illegally. There are two terms used when removing fireworks:

- **Seize:**
Only a commissioned officer can seize fireworks or explosives. This is taking them into law enforcement possession without the permission of the owner when associated with a crime.



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- **Confiscate:**

Either a commissioned or non-commissioned officer or firefighter can confiscate fireworks or explosives. This is taking them away from the owner (the person possessing the fireworks or explosives) with their permission.

Transport:

How the fireworks or explosives are removed from the owner may dictate how they're transported. If the product is consumer fireworks, still in the package, a patrol car or support vehicle may be used.

For explosives, especially homemade explosives or Improvised Explosive Devices (I.E.D.s), a bomb squad may be the best option to move the items. If a bomb squad is not readily available, the use of an approved day box may work.

Storage:

Storing fireworks falls under two categories:

- **Temporary** – Fireworks that have been turned in or confiscated and not needed as evidence in a court case. Temporary storage can be done at a station or office.
- **Long Term** – Fireworks and/or explosives that have been seized as evidence may require scientific testing for court proceedings. Items may be stored temporarily until transported to an approved magazine. They should be stored in a secured, uninhabited facility (i.e., storage area).

Identify and contact local licensed magazine sites to establish an area where fireworks may be stored temporarily. **NOTE:** Contact the Department of Labor and Industries at (360) 902-5569 for assistance in locating magazine sites and storage facilities.

Fireworks as Evidence:

- Should be placed into a paper envelope or paper bag. Plastic should not be used due to the possibility of a static electricity hazard.
- The case number or citation number should be written on the outside of the envelope or bag to identify the case and officer.
- If entering into evidence, the bomb squad and Evidence Officer should be advised prior to depositing the evidence.



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Model Plan/Procedure for the Safe Seizure, Transportation, and Storage of Fireworks (continued)

Confiscated and Turned In Fireworks:

- Loose and small items should be placed into a paper envelope or paper bag. Plastic should not be used due to the possibility of a static electricity hazard.
- The outside of envelope or bag should be marked as “Not Evidence – For Destruction”, attaching a copy of a case report or memo documenting the circumstances how the fireworks were recovered.
- Items should not be entered into the evidence system. (This may depend on each agencies evidence policies).
- Arrangements should be made with the bomb squad to take charge of the items for disposal.

NOTE: Collection of any sparkler bombs, tennis ball bombs, IED's, or a number of M-80 size devices, or larger, should be handled by the bomb squad.

Also contact the Labor and Industries Explosives Division at (360) 902-5563 (leave message) anytime Illegal explosives or Improvised Explosive Devices (I.E.D.'s) are discovered.

Training:

Local community responders should be trained on the plan/procedure and reviewed prior to the 4th of July and New Year's sales periods. Suggested personnel to be trained are:

- Fire Officials
- Law Enforcement
- Public Works
- Parks Departments
- School Maintenance Staff
- Emergency Medical Staff

Training on explosives can be arranged through the Washington State Patrol Bomb Squad, the ATF, Washington Labor and Industries, or the State Fire Marshal's Office.



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Quick Reference Card

Fireworks LEGAL in Washington: 1.4G Consumer Fireworks		
Confiscate	Law Enforcement and/or Fire Jurisdictions	Examples: Sparkler, Flitter Sparkler, Cone Fountain, Mine/Shell, Smoke Device, Wheel Cakes, Aerial Spinner, Ground Spinner, Helicopters, Cylindrical Fountain Illuminating Torch, Roman Candle, Reloadable Mortars (up to 1 3/4").
Seize	Law Enforcement only	
Transport	Personnel confiscating the fireworks should transport the items directly to storage, if possible.	
Fireworks ILLEGAL in Washington: 1.4G Fireworks (State-Banned Fireworks)		
Confiscate	Law Enforcement and Fire Jurisdictions	Examples: Sky Rocket – Bottle Rockets, Missile-Type Rocket, Chaser, Firecrackers, Salutes.
Seize	Law Enforcement only	
Transport	Personnel confiscating the fireworks should transport the items directly to storage, if possible.	
ILLEGAL Explosive Devices:		
Confiscate	Law Enforcement only	Examples: M-80, M-150, M-200, M-500, M-600, M-1000, M-1300, Sparkler Bombs Tennis Ball Bombs Cherry Bombs Improvised Explosive Devices, Other homemade or altered fireworks.
Seize	Law Enforcement only	
Transport	Only a licensed bomb technician or bomb squad personnel can confiscate, handle, transport, or store these devices.	
Other	Any time a device is believed to be a homemade fireworks or Improvised Explosive Devices (IED's), call the bomb squad. The site where these IED's are located shall then be evacuated and cordoned off. Notify Labor and Industries as soon as possible at (360) 902-5563 (leave message).	



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Unlicensed Importers and Wholesalers

All law enforcement officers and dispatchers should be informed that it is illegal for:

- Shippers not possessing a current State Fireworks Importers license to transport fireworks into the state.
- Wholesalers not possessing a current State Fireworks Wholesalers license to sell fireworks to other Wholesalers or Retail Stands.

The deadline to obtain an Importer and/or Wholesalers license is January 31 of every year. By the first week of March, all licensed Importers and Wholesalers are listed on the State Fire Marshal's web site.

If you suspect a company is illegally importing or wholesaling fireworks without a license, contact:

State Fire Marshal's Office
Education, Enforcement, and Analytics Section – Fireworks Program
Phone: (360) 596-3946
E-Mail: fireworks@wsp.wa.gov



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Transportation Laws

Transportation Regulating Authorities:

Transportation of fireworks is regulated by Department of Transportation. Some states and municipalities also regulate transportation of fireworks through their jurisdiction, often by incorporation of federal regulations.

The Code of Federal Regulations (CFR) are rules published in the Federal Register by Executive departments and agencies of the Federal Government and have the force of the law. The 49 CFR, Parts 100-185, contains the current HMR under Chapter I – Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation.

The HMR are issued by the Pipeline and Hazardous Materials Safety Administration (PHMSA) and govern the transportation of hazmat in all modes of transportation—air, highway, rail, and water.

The HMR are divided into four general areas:

- Operational rules
- Hazmat identification and classification
- Hazard communication
- Packaging requirements

Approval:

Except for samples prepared in accordance with DOT regulations, **or unless specifically permitted by CFR**, no fireworks device or novelty may be offered for transportation or transported until it is classed and approved by DOT, and an approval number (EX number) is issued. (Title 49 CFR, § 173.56)

REGISTRATION 49 CFR 107.601-620

Additionally, shippers and carriers of hazmat may be subject to registration (the applicability of registration is found in 49 CFR 107.601). Registrants are required to pay an annual fee as well as obtain a certificate of registration. For more information about registration, please see: <https://www.phmsa.dot.gov/registration/registration-overview>.

The registration and fee requirements of this 49 CFR 107.601 apply to any person who offers for transportation, or transports, in foreign, interstate or intrastate commerce—



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Transportation Laws (continued)

- (1) More than 25 kg (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material (see 49 CFR 173.50 of this chapter) in a motor vehicle, rail car or freight container;
- (2) A shipment in other than a bulk packaging of 2,268 kg (5,000 pounds) gross weight or more of one class of hazardous materials for which placarding of a vehicle, rail car, or freight container is required for that class, under the provisions of subpart F part 172 of this chapter; or
- (3) Except as provided in paragraph (b) of this section, **a quantity of hazardous material that requires placarding**, under provisions of subpart F of Part 172 of this chapter.

In this subpart, the term “shipment” means the offering or loading of hazardous material at one loading facility using one transport vehicle, or the transport of that transport vehicle.

Each motor carrier subject to the requirements of this subpart must carry a copy of its current Certificate of Registration issued by Pipeline and Hazardous Materials Safety Administration (PHMSA) or another document bearing the registration number identified as the “U.S. DOT Hazmat Reg. No.” on board each truck and truck tractor (not including trailers and semi-trailers) used to transport hazardous materials subject to the requirements of this subpart. The Certificate of Registration or document bearing the registration number must be made available, upon request, to enforcement personnel.

Shipping Papers:

A person may not accept a hazardous material for transportation or transport a hazardous material by highway unless that person has received a shipping paper prepared in accordance with part 172 of this subchapter or the material is excepted from shipping paper requirements under this subchapter. A subsequent carrier may not transport a hazardous material unless it is accompanied by a shipping paper prepared in accordance with part 172 of this subchapter, except for §172.204, which is not required.

Shipping paper accessibility—accident or inspection. A driver of a motor vehicle containing hazardous material, and each carrier using such a vehicle, shall ensure that the shipping paper required by this section is readily available to, and recognizable by, authorities in the event of accident or inspection. Specifically, the driver and the carrier shall:



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Transportation Laws (continued)

- (1) Clearly distinguish the shipping paper, if it is carried with other shipping papers or other papers of any kind, by either distinctively tabbing it or by having it appear first; and
- (2) Store the shipping paper as follows:
 - (i) When the driver is at the vehicle's controls, the shipping paper shall be:
 - (A) Within his immediate reach while he is restrained by the lap belt; and
 - (B) either readily visible to a person entering the driver's compartment or in a holder which is mounted to the inside of the door on the driver's side of the vehicle.
 - (ii) When the driver is not at the vehicle's controls, the shipping paper shall be:
 - (A) In a holder which is mounted to the inside of the door on the driver's side of the vehicle; or
 - (B) on the driver's seat in the vehicle.

Each person who offers a fireworks device or novelty for transportation shall describe the item on a shipping paper. The description must include the proper shipping name (see Title 49 CFR § 172.101, hazardous materials table, col. 2) the hazard class of the material (col. 3,) the identification number (col. 4,) the packing group (col. 5,) and the total quantity covered by the description (Title 49 CFR § 172.202(a).)

- Shipping Description 49 CFR 172.202
 - Use the acronym “**ISHP**” to assist in remembering the proper sequence of the Basic Description
 - Basic Description (Proper sequence 49 CFR 172.202(b))
 - Use the Hazardous Materials Table (HMT) (49 CFR 172.101)
 - **I** Identification Number (HMT Column 4)
 - **S** Proper Shipping Name (HMT Column 2)
 - **H** Hazard Class (HMT Column 3)
 - **P** Packaging Group (HMT Column 5)
- In addition, the shipper shall certify that the shipment is properly classified, marked and labeled
- For Class 1 materials, the quantity must be the net explosive mass. For an explosive that is an article, such as Cartridges, small arms, the net explosive mass may be expressed in terms of the net mass of either the article or the explosive materials contained in the article.
- Other Information (§172.202)
 - Technical name (“G” in HMT Column 1). See HMR §172.203(k) for specific requirements.



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Transportation Laws (continued)

- Subsidiary hazard(s) (HMT Column 6) Number and type of packages (i.e., “12 drums” or “12 1A1 drums”)
- Total quantity (by mass or volume, i.e., “200 kgs” or “50 L”)
- “Net Explosive Mass” for Class 1. See HMR §172.202(a)(5)(i) for specific requirements.
- “EX-xxxx” for Class 1 materials when not marked on the package. See HMR §172.320(d) for specific requirements.
- Emergency Response Telephone Number (§172.201(d), §172.604)
 - “EMERGENCY CONTACT: xxx-xxx-xxxx” (include international access code if applicable).
 - Shipper’s Certification (§172.204)
 - Signed statement: “This is to certify that the above-mentioned materials...” See HMR §172.204 for specific certification statements.

Packaging:

Package Marking and Labeling

Each person who offers fireworks for transportation shall ensure that the package displays the appropriate square-on-point label (Title 49 CFR, § 172.400(a) and 172.411.)

Use of the word explosive on the 1.3G and 1.4G labels is not required (Title 49 CFR §172.405(a).) Consumer fireworks, toy smoke devices, and trick noisemakers are either classed as 1.4G, 1.4S, or not regulated for transportation purposes. Display fireworks are classed as 1.3G (Title 49 CFR, § 172.101.) The label must be printed or affixed to the surface of the package near the proper shipping name and identification number, which are also required to appear on the package (Title 49 CFR, § 172.301(a).)

EX numbers for fireworks contained in a shipping carton must be marked on the shipping carton or on the shipping paper. Cartons containing 5 or more different fireworks devices must be marked with at least 5 of the EX numbers covering items in the carton, or the EX numbers must appear on the shipping paper. (Title 49 CFR, §172.320(c) and (d))

With certain exceptions, Consumer Fireworks UN0336, Display Fireworks UN0335, Articles Pyrotechnic UN0431 and Novelties, must be securely packaged in containers complying with DOT regulations Title 49 CFR, § 177.

Gross weight limitation per package is now dictated by the weight marked on the certified packaging. Articles with match or friction tip ignition must be packed so that each individual tip is protected against accidental contact or friction.

Fireworks must be so constructed and packaged that loose pyrotechnic composition will not be present in packages during transportation. (Title 49 CFR, §172.102(c), Special Provision (108))



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Transportation Laws (continued)

Placarding Loads:

Placards are forms of communication used to warn others of hazardous cargo and are put on the outside of a vehicle to show the hazard class of the cargo. Placarded vehicles must have at least four placards representing the applicable hazard. They are attached to each side and each end of the vehicle, as shown below. Placards must be readable from all four directions.

A placard is 250 mm (9.84 inches), turned upright on a point, in a diamond shape.

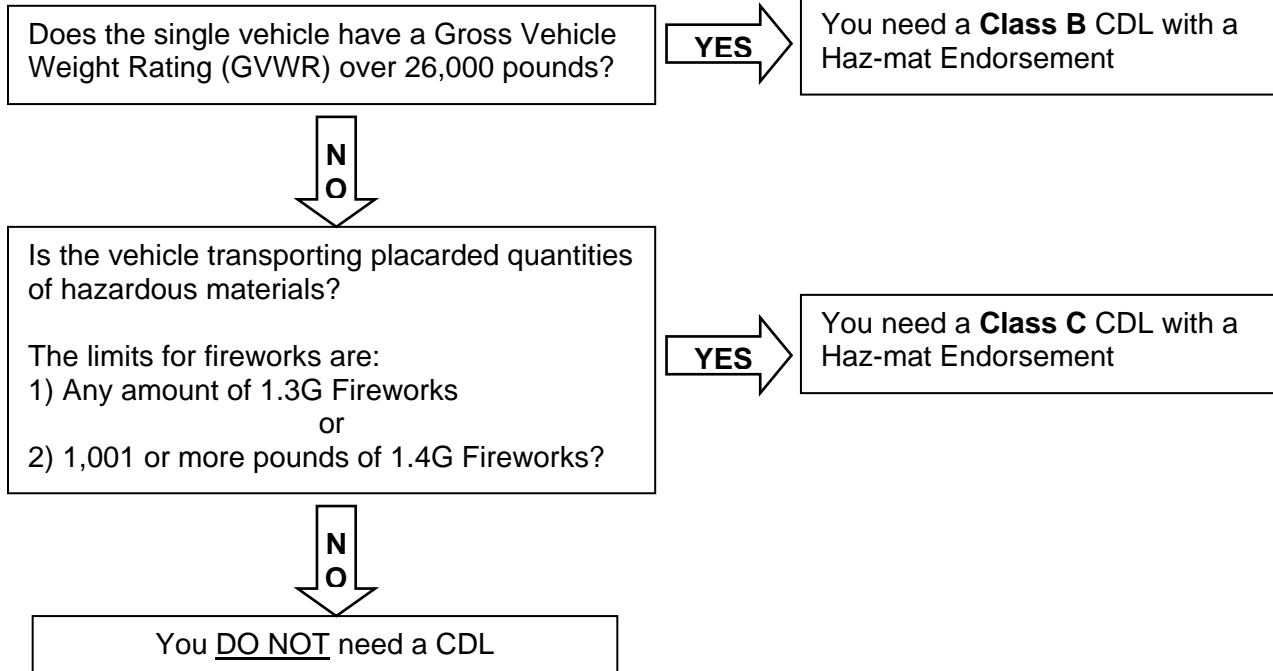


Example: The placard is to be displayed on all sides of the vehicle.

What amounts of fireworks require placards to be displayed?

- 1.4G Consumer Fireworks – 1,001 pounds or more of fireworks.
- 1.3G Display Fireworks – Any amount requires placards.

Is a CDL required when transporting fireworks?



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Transportation Laws (continued)

Load Securement (49 CFR 177.834):

- (a) Packages secured in a motor vehicle. Any package containing any hazardous material, not permanently attached to a motor vehicle, must be secured against shifting, including relative motion between packages, within the vehicle on which it is being transported, under conditions normally incident to transportation. Packages having valves or other fittings must be loaded in a manner to minimize the likelihood of damage during transportation.
- (b) Each package containing a hazardous material bearing package orientation markings prescribed in §172.312 of this subchapter must be loaded on a transport vehicle or within a freight container in accordance with such markings and must remain in the correct position indicated by the markings during transportation.
- (c) No smoking while loading or unloading. Smoking on or about any motor vehicle while loading or unloading any Class 1 (explosive), Class 3 (flammable liquid), Class 4 (flammable solid), Class 5 (oxidizing), or Division 2.1 (flammable gas) materials is forbidden.
- (d) Keep fire away, loading and unloading. Extreme care shall be taken in the loading or unloading of any Class 1 (explosive), Class 3 (flammable liquid), Class 4 (flammable solid), Class 5 (oxidizing), or Division 2.1 (flammable gas) materials into or from any motor vehicle to keep fire away and to prevent persons in the vicinity from smoking, lighting matches, or carrying any flame or lighted cigar, pipe, or cigarette.
- (e) Handbrake set while loading and unloading. No hazardous material shall be loaded into or on, or unloaded from, any motor vehicle unless the handbrake be securely set and all other reasonable precautions be taken to prevent motion of the motor vehicle during such loading or unloading process.
- (f) Use of tools, loading and unloading. No tools which are likely to damage the effectiveness of the closure of any package or other container, or likely adversely to affect such package or container, shall be used for the loading or unloading of any Class 1 (explosive) material or other dangerous article.

Frequently Asked Questions:

Question 1: What do non-profit organizations need to know about the transport of consumer fireworks?

Answer 1: There are a number of federal regulations that apply to the safe transportation of hazardous materials. If the regulatory requirements are not met, then enforcement actions may be taken, to include significant civil penalties, criminal fines, and imprisonment, where applicable.



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Transportation Laws (continued)

Question 2: Are consumer fireworks considered a hazardous material; and if so, do they require special handling in transportation?

Answer: Yes, the U.S. Department of Transportation identifies fireworks as a Division 1.4G explosive and regulates their safe transportation in commerce.

Question 3: What are the regulatory requirements applicable to consumer fireworks shipments?

Answer: In addition to the general and highway specific requirements of the Hazardous Material Regulations (HMR), all shipments of Division 1.4G fireworks by highway transport vehicle, including shipments from sales outlets and retail stands to storage areas or return, must conform to the following:

- Must be accompanied by a shipping paper that describes the explosives, including the quantity being transported.
- The shipping paper must include a telephone number of a person who can provide comprehensive emergency response information about the fireworks; the telephone number must be monitored at all times while the shipment is in transportation.
- The shipment must be accompanied by written emergency response information that describes the risks associated with the shipment and immediate precautions to be taken in the event of an accident.
- The packages containing the fireworks must be properly loaded, blocked, and braced to restrict movement in the transport vehicle and protected against ignition sources.
- All persons involved with the transportation of the shipment must be trained. Training components specified in the Consumer Fireworks Advisory Letter 3 regulations and must be documented.

Question 4: Are there additional requirements for transporting large quantities of consumer fireworks?

Answer: Yes, for any shipment of Division 1.4G fireworks that exceed 1,001 lbs gross weight on a transport vehicle, the following additional requirements apply:



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- The transport vehicle must be operated by a driver with a commercial driver's license with a hazardous materials endorsement.
- The transport vehicle must be placarded on each side and each end with EXPLOSIVES 1.4 placards.
- The shipper and the carrier must both develop and implement security plans that include an assessment of possible transportation risks of the fireworks and appropriate measures to address the risks. At a minimum, the security plan must address personnel security, en route security, and unauthorized access.
- The transporter/carrier must apply and hold a current hazardous materials registration certificate with, and issued by, the Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA).

Question 5: What are the potential federal consequences if I don't follow the requirements for transporting consumer fireworks?

Answer: Persons found to be in violation of the HMR may be subject to significant state and federal civil penalties, criminal fines, and imprisonment. The maximum penalties depend on several factors, including the nature and circumstances, extent and gravity, and severity of the consequences of the violation.

Question 6: Are there any other exceptions to placarding?

Answer: Yes, the EXPLOSIVE 1.4 placard is not required for those Division 1.4 Compatibility Group S (1.4S) materials that are not required to be labeled 1.4S.

Question 7: Where can I get more information about the safe transportation of consumer fireworks?

Answer: More detailed information and guidance on the regulatory requirements governing the shipment of fireworks is available at:

- DOT's Hazmat Safety web site: <http://www.phmsa.dot.gov/hazmat>.
- The Hazardous Materials Information Center at 1-800-467-4922.
- Washington State Patrol Commercial Vehicle Division (360) 596-3822



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