

# Fireworks

Dated - 6/09/09

Federal explosives regulations promulgated by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) define two general categories of fireworks sold in the United States: “display fireworks” and “consumer fireworks.”

Display fireworks are the large fireworks used in shows, generally under the supervision of a trained pyrotechnician. The regulations at 27 CFR, Part 555, require that any person engaging in the business of importing, manufacturing, dealing in, or otherwise receiving display fireworks must first obtain a Federal explosives license or permit from ATF for the specific activity.

Consumer fireworks are the small fireworks usually sold at stands around the Fourth of July holiday. ATF does not regulate the importation, distribution, or storage of completed consumer fireworks, but other Federal, State, and local agencies do regulate these items to a varying degree. Because consumer fireworks contain pyrotechnic compositions classified by ATF as explosive materials, the manufacturing of consumer fireworks requires a Federal explosives license from ATF.

## Interpretation Letters

- [Fireworks Recordkeeping And Marks Of Identification](#) (05/19/08)
- [Pyrotechnic Club Members Activities](#) (3/22/07)
- [Pyrotechnic Clubs Activities](#) (5/08/03)

## Rulings

- [2007-2](#) Temporary Storage of Display Fireworks
- [2006-1](#) Temporary Emergency Variations from the Explosives Marking Requirements

## Special Notices and Open Letters to the Industry

- [Open Letter to All Fireworks Licensees and Permittees](#) - 6/04/08



## Variances

### Fireworks recordkeeping and marks of identification

Federal explosives regulations require that importers must keep records of and place marks of identification on all fireworks imported for distribution. In 2008, the American Pyrotechnics Association (APA) submitted a proposal to ATF regarding alternative methods for recordkeeping and marks of identification. Under this proposed alternative to the regulations, importers would mark all display fireworks entering the United States with the name and address of the importer; the manufacturer name and location of manufacturer; and the date and shift of manufacture. If industry members can show good cause for why they need a variance and meet the standards for improved tracking, tracing, and accountability of display fireworks as set out in ATF's response to the APA, ATF will consider requests for variances from certain existing recordkeeping requirements. [Read ATF's letter to the APA](#)

Requests for variances, exemptions, and determinations may either be submitted to your local [ATF Field Office](#) or may be submitted to the following address:

*Explosives Industry Programs Branch  
Bureau of Alcohol, Tobacco, Firearms and Explosives  
99 New York Avenue, NE.  
Mailstop 6E403  
Washington, DC 20226*

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## Tables of Distances for Fireworks [Click here.](#)

The Tables of Distances and related information at 27 CFR, Sections 555.221 through 555.224, list the required distances:

- For display fireworks, pyrotechnic compositions, and explosive materials used in assembling fireworks or articles pyrotechnic;
- Between fireworks process buildings and other specified areas;
- Between fireworks process buildings and between fireworks process and fireworks nonprocess buildings; and
- For the storage of display fireworks except bulk salutes.

## Press Releases

[Safety Precautions for Legal Fireworks](#)

[APA and ATF Team Up Against Illegal Explosives for 4th of July Celebrations](#)

## Newsletter Articles

[Compliance Issues \(September 2006\)](#)

[Enschede, Netherlands Fireworks Disaster \(June 2001\)](#)

[Fireworks Table of Distance Issues \(January 2001\)](#)

## Illegal Explosives

Illegal explosives associated with the fireworks season are inherently dangerous because of their composition and unpredictability. Homemade explosives can pose a particular risk for injury because the people making them often lack knowledge and experience in manufacturing fireworks. Most law enforcement agencies consider devices such as M-80s, M-100s, quarter sticks, cherry bombs, silver salutes, etc., to be illegal because they exceed the Consumer Product Safety Commission's (CPSC) limits for consumer fireworks, in addition to being banned by many States.

These devices meet no safety standards and often have a coating of dangerous explosive dust. Friction, heat, or being bumped can cause these devices to detonate. The U.S. Department of Transportation has classed these items as "forbidden explosives" because they have not been submitted for appropriate testing and evaluation.

Some indicators that a device may be an illegal explosive are:

- It resembles a roll of coins with a fuse.
- It consists of a cardboard tube or oddly shaped item wrapped in brown paper and filled with an explosive material.
- It is red, silver, or brown in color
- It may be 1 to 6 inches long and up to an inch or more in diameter.
- It is sold on the street or out of the back of someone's vehicle.



*M-80 type illegal explosive device*

Each year ATF investigates explosives accidents involving the manufacture of illegal explosives devices such as these. These accidents often involve serious injury or death and extensive damage to property. ATF asks that the public report the manufacture or sale of illegal fireworks or explosive devices to local law enforcement or by calling the toll-free ATF hotline at 1-888-ATF-BOMB (1-888-283-2662).

## Fireworks Q&As

ATF has received numerous inquiries from industry members about the applicability of Federal explosives law and regulations to fireworks operations. The following Q&As are provided to assist licensees and permittees in understanding and complying with the Federal explosives law and regulations. We look forward to continuing our working relationship with the fireworks community. Individuals with additional specific questions may contact ATF's Explosives Industry Programs Branch at (202) 648-7120, or e-mail [EIPB@ATF.GOV](mailto:EIPB@ATF.GOV).

**Q1. I use the majority of my imported display fireworks for company shows. We occasionally sell display fireworks to other Federally licensed individuals. However, we do not know which fireworks will be sold and which ones will be used in company shows. Am I required to mark all of my imported display fireworks?**

Federal regulations at 27 CFR § 555.109 require that you mark all explosive materials imported for sale or distribution. You need not mark those materials imported for your own use. However, the fact that the structure of your operations makes it difficult to distinguish materials imported for sale from those imported for your own use may make it practical for you to mark all of the imported display fireworks. Bear in mind that any materials to be sold or distributed must be marked within 15 days after release from U.S. Customs custody. Therefore, those materials not marked within 15 days may not be later marked and sold or otherwise distributed.

**Q2. We hold an explosives importer license under which we import display fireworks for our company's displays. Do we have to mark imported display fireworks if we only use the fireworks for company display shows?**

No. If all of your imported fireworks are used for your company's display shows, no import markings are required. However, any subsequent distribution of display fireworks without the proper markings required by 27 CFR § 555.109 would place you in violation of Federal explosives laws. Import markings are required to be placed on display fireworks for sale or distribution within 15 days following their release from U.S. Customs custody.

**Q3. When marking imported fireworks, do I have to mark each individual display shell that is imported?**

Yes. Under 27 CFR § 555.109(c)(3), licensed importers must place the required marks on each cartridge, bag, or other immediate container of explosive materials that are imported for sale or distribution, as well as on any outside container used for the packaging of such explosive materials. The markings must also be included on each display candle and display cake.

**Q4. I am a licensed importer of display fireworks. In which explosives records am I required to record the date and shift of manufacture?**

Licensed importers are required to record the date and shift of manufacture of all imported explosive materials in their permanent acquisition and disposition records. The "Manufacturer's marks of identification" required by 27 CFR § 555.122(b)(3) and 27 CFR § 555.122(c)(3) refer to the date and shift of manufacture. The shift of manufacture is not required if the foreign manufacturing plant operates only one shift during the day.

**Q5. I store display fireworks cakes and roman candles that contain only salutes. Are these cakes and candles considered bulk salutes requiring storage in a high explosives (Type-1 or Type-2) magazine?**

Yes. Fireworks display cakes and fireworks display roman candles that contain only salutes, and exceed the limits of explosive materials for classification as "consumer fireworks" as defined in 27 CFR § 555.11, are classified as bulk salutes. Bulk salutes are high explosives and must be stored in Type-1 or Type-2 magazines.

**Q6. Prior to delivering and conducting a display fireworks show, employees attach igniters to the display fireworks at the fireworks plant. Is this considered processing?**

Yes. The attachment of igniters to the display fireworks at the fireworks plant constitutes an assembly process and is considered "processing." Any building in which igniters are attached to display fireworks is considered a "fireworks process building," which is defined, in part, in 27 CFR § 555.11 as "...any building in which pyrotechnic compositions or explosive materials is pressed or otherwise prepared for finished and assembly..." Be advised that the display shells and igniters cannot be stored in a process building overnight and must be moved to an explosives magazine which complies with the requirements in 27 CFR § 555, Subpart K.

**Q7. I have recently learned that the U.S. Department of Transportation (USDOT) is classifying certain 1.75-inch aerial shells, previously classified as 1.4G consumer fireworks, as 1.3G display fireworks (UN0335) for transportation purposes. Will these aerial shells be regulated by ATF?**

Yes. The exemption for 'consumer fireworks' or 'articles pyrotechnic' found in 27 CFR § 555.141(a)(7) states that Part 555 (Commerce in Explosives) does not apply to "The importation, distribution, and storage of fireworks classified as UN0336, UN0337, UN0431, or UN0432 explosives by the U.S. Department of Transportation at 49 CFR 172.101..." The definition for "display fireworks" states, in part, that "...Display fireworks are classified as fireworks UN0333, UN0334 or UN0335 by the U.S. Department of Transportation at 49 CFR 172.101..." Therefore, this reclassification by USDOT causes these materials to fall under the definition of display fireworks.

**Q8. I am a licensee with ATF and a city has asked me to store display fireworks for its fireworks show. May I store fireworks for the city in my explosives magazine and return them to the municipality for the show? If so, what records would I have to keep?**

The transfer of display fireworks generally constitutes a distribution as defined in 27 CFR § 555.11. Therefore, you are permitted to receive display fireworks from the municipality but must maintain a record of the acquisition pursuant to 27 CFR, Part 555, Subpart G – Records and Reports. Additionally, you must maintain a daily summary of magazine transactions pursuant to 27 CFR § 555.127 for all explosives stored in your magazines.

Pursuant to 27 CFR § 555.141(a)(3), Federal explosives regulations generally do not apply to the “transportation, shipment, receipt, or importation of explosive materials for delivery to any agency of the United States or to any State or its political subdivision.” Although the city is required to properly store explosives, it is exempt from the Federal licensing requirements at 27 CFR, Part 555, and can receive display fireworks without possessing a Federal explosives license or permit. Therefore, you can return the display fireworks to the city prior to the show so long as you enter this disposition in your permanent records as required under 27 CFR, Part 555, Subpart G.

**Q9. I am a licensee with ATF. A fireworks hobbyist, who does not hold an ATF license or permit, has asked me to store fireworks in my explosives storage magazine. Is it lawful for me to store these fireworks and return them to the hobbyist?**

Although you may lawfully receive and store the display fireworks, your return or distribution of explosive materials to a person who does not hold a Federal license or permit would violate Federal law, 18 U.S.C. § 842(b).

**Q10. If I am storing fireworks which meet the ATF definition of consumer fireworks under 27 CFR § 555.11, and are exempt under 27 CFR § 555.141, do I have to abide by the table of distances under 27 CFR § 555.224? I would be storing the consumer fireworks in the same magazine with display fireworks.**

No. The regulations at 27 CFR § 555.141 exempt consumer fireworks from the requirements of 27 CFR, Part 555, including distance requirements. However, if you store consumer fireworks in a magazine with display fireworks, your consumer fireworks should be in unopened cases and packaged for shipment.

**Q11. I am a volunteer member with a hobbyist fireworks club that holds an ATF license. I do not possess my own ATF license or permit. May I manufacture my personal-use fireworks on my property, and then transport them for use at a sanctioned club activity? I would be conducting the transportation under the club’s license.**

You may not transport personally manufactured fireworks under the club’s explosives license. Under 18 U.S.C. § 845(a)(3), it is unlawful for any person other than a licensee or permittee to knowingly transport, ship, cause to be transported, or receive explosive materials. ATF authorizes volunteer members of licensed clubs or other licensed hobby organizations to possess explosive materials while assisting in supervised club shoots, so long as their assistance is under the direct control and supervision of the licensed club. However, your personal manufacturing activities are conducted at a location away from the club’s licensed premise or shoot and are not directed or supervised by the fireworks club.

You may manufacture display fireworks for personal use at your property without obtaining a Federal explosives license or permit (a manufacturer’s license is needed only by persons engaged in the business of manufacturing fireworks for sale, distribution, or other commercial purpose). However, where storage occurs, you must comply with all storage requirements in 27 CFR, Part 555, Subpart K. In addition, a Federal explosives license or permit is required to transport, or cause to be transported, the explosive materials, even to the location of the club activity.

**Q12. I have a permit with ATF. I will be transporting hobby fireworks that I have manufactured for my own personal (non-business) use across State lines to a club-sanctioned activity. Since this transportation is personal and noncommercial in nature, it is not regulated by USDOT or Homeland Security as to safety or security. Therefore, the exemption under 18 U.S.C. § 845(a)(1) would not apply to this transportation activity. What storage requirements must I comply with under Federal law and regulations, especially if lodging overnight in a motel is required?**

Federal regulations at 18 U.S.C. § 845(a)(1) state that Federal explosives law does not apply to “Any aspect of the transportation of explosive materials via railroad, water, highway, or air which are regulated by the United States Department of Transportation and agencies thereof, and which pertain to safety.” If USDOT has deemed your fireworks activities exempt from their regulations, the exception in 18 U.S.C. § 845(a)(1) would not apply.

Federal regulations at 27 CFR § 555.205 require, in part, that all explosive materials be stored in locked magazines unless they are being transported to a place of storage or use by a person who has lawfully acquired the explosive materials. When your vehicle comes to rest for the evening, your explosive materials would not be considered in transit, no longer fall under this exception, and must comply with all explosives requirements under Federal law and regulations for overnight storage. You would also be required to comply with all State and local regulations regarding the storage and transportation of explosives.

All persons are required to store explosives in a manner outlined under 27 CFR, Part 555, Subpart K - Storage, including the table of distance requirements. ATF has outlined alternate methods and procedures for the temporary storage of display fireworks in locked and attended vehicles at explosives magazine sites, as well as at fireworks display sites in ATF Ruling 2007-2. You can find the specific guidelines in ATF Ruling 2007-2, as well as other ATF rulings, at [www.atf.gov/explarsion/eipb.htm](http://www.atf.gov/explarsion/eipb.htm).

**Q13: Do other vehicles parked in a hotel parking lot trigger the table of distance requirements, as they are not occupied structures?**

A vehicle does not fall under the definition of the term “inhabited building,” as defined in 27 CFR § 555.11 and further clarified in ATF ruling 2005-3. However, the hotel would be considered an inhabited building when determining distances needed to comply with table of distance requirements at 27 CFR § 555.224. Further, you are required to comply with any State and local requirements regarding storage of explosive materials.

**Q14: Our licensed fireworks club manufactures fireworks for use during club shoots. The fireworks are manufactured by several club members. What are the procedures for transporting the fireworks to club events at different locations?**

By way of background, in order for the manufacturing and transportation to be considered under the authority of a Federal explosives license or permit, the manufacturing and transportation of fireworks by volunteer club members must be supervised by an authorized member of the club, such as an officer of the club, who is listed as a responsible person on the license or permit application. Further, these fireworks must be transported in compliance with USDOT regulations.

**Q15: I am an employee possessor on “Company A’s” fireworks license. I also conduct unrelated fireworks activities as a hobby (e.g., manufacturing shells for my own use in conjunction with pyrotechnics club activities). Do my hobby activities, which are similar to, but unrelated to my activities on behalf of Company A have any potential effects on that company or my employee possessor status? Are there certain activities or practices that I should avoid, or steps that I should take, to ensure that my hobby activities are clearly separated from my activities as an employee possessor for Company A?**

ATF is unable to provide you with specific advice without receiving more information on your activities. Generally, your employee possessor status would not be affected unless you were no longer employed by “Company A,” or you fell within a prohibiting category listed on ATF Form 5400.28, Employee Possessor Questionnaire. Generally, “Company A” would not be responsible for your off-site fireworks hobby activities.

You can submit additional information regarding specific questions to ATF’s Explosives Industry Programs Branch at: [EIPB@atf.gov](mailto:EIPB@atf.gov).

**Q16: I am planning to store my personally manufactured fireworks in an explosives storage magazine. What table of distance chart should I use to comply with storage regulations?**

If your fireworks meet the definition of “Display Fireworks” under 27 CFR § 555.11, you must use the table of distance requirements found in 27 CFR § 555.224, Table of distances for the storage of display fireworks (except bulk salutes). You are required to use the table of distance requirements found in 27 CFR § 555.218 if your magazine contains bulk salutes or flash powder, or if the net explosives weight of your display fireworks magazine exceeds 10,000 pounds.

## Helpful links

Increasing the safety of those who use and enjoy fireworks is an important goal, and the Occupational Safety & Health Administration (OSHA) and the American Pyrotechnics Association (APA) formed an Alliance in 2004 to provide education and training on fireworks issues. This Alliance provides guidance and shares APA’s best practices for the manufacturing, transportation, storage, sale, and use of commercial display fireworks, and the retail sale of consumer fireworks. ATF and the CPSC work closely with the Pyrotechnics Guild International (PGI), whose mission is to further the safe usage and

enjoyment of professional and consumer grade fireworks while advancing the art and craft of pyrotechny and preserving its historical aspects. For additional information on fireworks safety, click on the links below.

[CPSC Fireworks Safety](#)

[U.S. Customs and Border Patrol](#)

Close collaboration between the fireworks industry and regulatory agencies helps to safeguard not only fireworks users, but also the safety and business interests of legal manufacturers, importers, and dealers as well. By identifying and eliminating illegal and/or unsafe practices or products, the legitimate use of pyrotechnics can continue to flourish as both an industry and as a valued tradition enjoyed by many Americans.