



U.S. Department
of Transportation

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Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

March 1, 2012

To: Fireworks shippers, distributors and carriers, and related industry associations

The Pipeline and Hazardous Materials Safety Administration (PHMSA), an agency of the U.S. Department of Transportation (DOT), wants to assure that every American has a safe and enjoyable Fourth of July.

PHMSA recently completed several investigations involving the transportation and storage of consumer fireworks. Our investigations identified widespread problems related to these activities, including a lack of understanding of applicable Federal regulatory requirements covering hazard communication, training, and driver qualifications. Some violations and safety problems noted during our investigations include:

- No PHMSA hazardous materials (hazmat) registration,
- No hazmat placards,
- Limited/no hazmat training,
- No Commercial Drivers License (CDL) with hazmat endorsement (if placarded),
- EX approval numbers do not match devices, products, or product codes,
- Unapproved devices (no EX classification number issued for device),
- Defective package,
- Non-UN standard packaging,
- No 1.4G or 1.3G hazard labels, and
- No EX number on package or shipping documents.

In an effort to educate and increase hazmat safety awareness, this letter summarizes the regulatory requirements that apply to consumer fireworks shipments and provides a point of contact to obtain additional information.

Background

Requirements governing the transportation of hazmat in commerce, including consumer fireworks, are contained in the Hazardous Materials Regulations (HMR; 49 Code of Federal Regulations Parts 171-180).

The HMR specify appropriate packaging and handling requirements for hazmat, and require a shipper to communicate the material's hazards through use of shipping papers, package marking and labeling, and vehicle placarding. The HMR also require shippers to provide emergency response information applicable to the specific hazard(s) of the material being transported. Finally, the HMR mandates training requirements for persons who prepare hazmat for shipment

or who transport hazmat in commerce. The HMR also include operational requirements applicable to each mode of transportation.

Questions and Answers

Q1. What do organizations need to know about the transport of consumer fireworks?

A1. There are a number of Federal regulations that apply to the safe transportation of hazmat. Please see HMR 49 Code of Federal Regulations Parts 171-180 for detailed information on these requirements.

Q2. Are consumer fireworks considered hazmat, and, if so, do they require special handling in transportation?

A2. Yes, DOT identifies consumer fireworks as Division 1.4G explosives, and regulates their safe transportation in commerce.

Q3. What are the regulatory requirements applicable to consumer fireworks shipments?

A3. In addition to the general and highway-specific requirements of the HMR, all shipments of Division 1.4G consumer fireworks by highway transport vehicles, including shipments from sales outlets and retail stands to/from storage areas, must conform to the following:

- ❖ Shipments must be accompanied by a shipping paper describing the explosives, including the quantity being transported (see 49 CFR Part 172, Subpart C). The Shipping Paper *must* include:
 - UN ID number prescribed for the explosive materials;
 - Proper shipping name prescribed for the explosive materials;
 - Hazard class or division;
 - Packing group;
 - For Class 1 materials, the quantity must be the net explosive mass;
 - EX number must be placed on either packaging or shipping paper;
 - Number and type of packages must be included; and
 - Telephone number of a contact person who can provide comprehensive emergency response information regarding the fireworks; that number must be monitored at all times the shipment is in transportation (see 49 CFR Part 172, Subpart G).

- ❖ Shipments must be accompanied by written emergency response information describing the risks associated with the shipment and immediate precautions to be taken in the event of an accident (see 49 CFR Part 172, Subpart G).

- ❖ Packaging containing explosives must have the following markings (see 49 CFR 172.320):
 - EX approval number (on package or Shipping Paper),
 - Proper shipping name (general marking),
 - UN I.D. number,
 - UN packaging specification marking, and
 - Proper package labeling (49 CFR 172.411).

- ❖ Packages containing fireworks must be properly loaded, blocked, and braced to restrict movement in the vehicle, and be protected against ignition sources (see 49 CFR Part 177, Subpart B).

- ❖ All persons involved with the transportation of the shipment, including persons who load and unload the vehicle, and persons who operate the vehicle, must be trained. Training must cover the components specified in the regulations (i.e., general awareness/familiarization, function-specific, safety and security training) and must be documented (see 49 CFR Part 172, Subpart H).

Q4. Are there additional requirements for transporting large quantities of consumer fireworks?

A4. Yes, for any shipment of Division 1.4G fireworks more than 1,001 lbs., gross weight, on a vehicle, the following additional requirements apply:

- Transport vehicles must be operated by a driver with a CDL that includes a hazmat endorsement (see 49 CFR 177.804 and 49 CFR Part 383).
- Transport vehicles must be placarded on each side, and each end, with EXPLOSIVES 1.4 placards (see 49 CFR Part 172, Subpart F).
- Shippers 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, security plans must address personnel security, en route security, and unauthorized access (see 49 CFR Part 172, Subpart I).
- Transporters/carriers must apply and hold a current hazmat registration certificate issued by PHMSA (see 49 CFR Part 107, Subpart G).

Q5. What are the potential Federal consequences for not following requirements for transporting consumer fireworks?

A5. Persons found to be in violation of the HMR may be subject to significant civil penalties, criminal fines, and imprisonment. Maximum penalties depend on several factors, including the nature and circumstances, extent and gravity, and severity of the consequences of the violation, but can range up to \$110,000 per violation for a civil penalty, and \$500,000 and 10 years imprisonment for a criminal penalty.

Q6. Where can I get more information about the safe transportation of consumer fireworks?

A6. The HMR, along with more detailed information and guidance on the regulatory requirements governing the shipment of fireworks, are available at DOT's Hazmat Safety website: www.phmsa.dot.gov/hazmat. In addition, you can obtain answers to specific questions from the Hazardous Materials Information Center at 1-800-467-4922 (in Washington, DC, call 202-366-4488).



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