



U.S. Department
of Transportation

1200 New Jersey Ave. SE
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

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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, 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. These 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. PHMSA is concerned that many entities who offer, accept, transport, and store fireworks do not understand the hazards posed by fireworks during transportation.

Some of the common violations and safety problems noted during our investigations include:

- No PHMSA Hazardous Materials Registration
- No Hazardous Materials Placards
- Limited or no Hazardous Materials Training, and
- No Commercial Drivers License (CDL) w/ Hazardous Materials Endorsement

In an effort to educate and increase hazardous materials 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 hazardous materials 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 hazardous materials, 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 or hazards of the material being transported. Finally, the HMR mandate training requirements for persons who prepare hazardous materials for shipment or who transport hazardous materials 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 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.

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

A2. Yes, the U.S. Department of Transportation identifies fireworks as a Division 1.4G explosive 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 fireworks by highway transport vehicle, including shipments from sales outlets and retail stands to storage areas or return, must conform to the following:

- The shipment must be accompanied by a shipping paper that describes the explosives, including the quantity being transported (see 49 CFR Part 172, Subpart C).
- 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 the shipment is in transportation (see 49 CFR Part 172, Subpart G).
- 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 (see 49 CFR Part 172, Subpart G).
- The packages containing the fireworks must be properly loaded, blocked and braced to restrict movement in the transport vehicle and 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 transport vehicle and persons who operate the transport vehicle, must be trained. The 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 that exceed 1,000 lbs gross weight on a transport vehicle the following additional requirements apply:

- The transport vehicle must be operated by a driver with a commercial driver's license with a hazardous materials endorsement (see 49 CFR 177.804 and 49 CFR Part 383).
- The transport vehicle must be placarded on each side and each end with EXPLOSIVES 1.4 placards (see 49 CFR Part 172, Subpart F).
- 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 (see 49 CFR Part 172, Subpart I).

- The transporter/ carrier must apply and hold a current hazardous materials registration certificate with, and issued by, PHMSA (see 49 CFR Part 107, Subpart G).

Q5. What are the potential federal consequences if I don't follow the 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. The 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 ten years in prison 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 web site: 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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