

Fireworks Regulated by ATF

This overview is intended as an aid to compliance with regulatory requirements—not as a replacement. Federal explosives regulations at 27 CFR, Part 555 provide specific regulatory requirements for explosive materials.

Display Fireworks

Large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. Includes, but is not limited to, salutes containing more than 2 grains (130 mg) of explosive materials, aerial shells containing more than 40 grams of pyrotechnic compositions (including any break charge and visible/audible effect composition but exclusive of lift charge), and other display pieces which exceed the limits of explosive materials for classification as “consumer fireworks.” Also includes fused set pieces containing components which together exceed 50 mg of salute powder. Display fireworks are classified as fireworks UN0333, UN0334 or UN0335 by the Department of Transportation.

Any person importing, manufacturing for commercial use, dealing in, transporting or causing to be transported, or otherwise receiving display fireworks must obtain an ATF Federal explosives license or permit for the specific activity. (An explosives license is also required to manufacture consumer fireworks and articles pyrotechnic.)

Marking Requirements (27 CFR §555.109)

All explosive materials imported for sale or distribution must be marked within 15 days following release from U.S. Customs custody. Importers must place required marks on each cartridge, bag, or other immediate container of explosive materials imported for sale or distribution, and on any outside container used for packaging of such materials. Markings must also be included on each display candle and cake classified as display fireworks.

You need not mark materials imported for your own use, but you may not subsequently distribute display fireworks without the required markings. If operations make it difficult to distinguish materials imported for sale from those imported for your own use, consider marking all imported display fireworks. Materials not marked within 15 days may not later be marked and sold or distributed, even for purposes of destruction by another licensee.

Transfers of Damaged or Defective Display Fireworks

Importers who wish to transfer damaged or defective display fireworks to Federal explosives licensees or permittees (FEL/Ps) for destruction must ensure the fireworks still have the required marks of identification and record the marks in the required records. Further, facilities used exclusively to destroy damaged explosives must have a license or permit. ATF recommends that importers ensure identification marks are placed on all display fireworks if any possibility exists that a transfer might occur after importation.

Daily Summary of Magazine Transactions (DSMT) for Packaged Display Shows

FEL/Ps may record display fireworks quantities in the DSMT as the number of packaged display segments or packaged displays, but must provide to ATF upon request the number and size of display fireworks contained in any one packaged display or display segment. The manufacturer’s name or brand name must be recorded on either the DSMT or the document containing the information for the packaged display or display segment. ATF recommends maintaining the required information—number, size, and manufacturer’s name or brand name of the fireworks (in packaged displays)—on a separate document to be made available for inspection by ATF.

Storage

All persons must comply with regulations at 27 CFR, Part 555, Subpart K—Storage, as well as all State and local regulations regarding the storage of explosives.

Tables of Distances (TOD) list the minimum required distances for net explosives weights from inhabited buildings, public highways, passenger railways, and other magazines:

- 555.218-For bulk salutes or flash powder, or for over 10,000 pounds.
- 555.219-For bulk stars, black powder, or other low explosives pyrotechnic compositions.
- 555.221-For display fireworks, pyrotechnic compositions, and explosive materials used in firework or articles pyrotechnic assembly.
- 555.222-Between fireworks process buildings and between fireworks process and nonprocess buildings (i.e., buildings regularly used by employees for activities not involving the processing or storage of fireworks).
- 555.223-Between fireworks process buildings and passenger railways, public highways, inhabited buildings, fireworks plant buildings used to store consumer fireworks and articles pyrotechnic, magazines and fireworks shipping buildings.
- 555.224-For display fireworks (under 10,000 pounds) except bulk salutes. (Fireworks display cakes and display roman candles containing only salutes and that exceed explosive material limits for “consumer fireworks” are classified as bulk salutes and must be stored in type 1 or type 2 magazines.)

Attaching igniters constitutes “processing.” The building in which they are attached is considered a “fireworks process building.” Display shells and igniters cannot be stored in a process building overnight and must be moved to a magazine.

A “fireworks plant warehouse” is a building or structure, not regularly occupied or used by employees, that is used strictly for storing materials that are neither explosives nor pyrotechnic compositions. A fireworks plant warehouse is not subject to TOD.

Contingency Storage

Contingency storage locations must be reasonably close to the event location or business premises, i.e., the distance should be reasonable for transport of unused or surplus product back to the contingency storage provider’s magazine the same night as the fireworks show.

ATF Ruling [2007-2](#), Temporary Storage in Vehicles

Approves temporary storage of display fireworks in locked, attended vehicles at magazine and fireworks display site, under certain conditions:

Doors to each storage compartment must be locked with at least 1 steel padlock having at least 5 tumblers and a casehardened shackle of at least 3/8” diameter.

Each temporary storage magazine must be attended, by an authorized individual who is within 100’ of the storage and who has an unobstructed view of the storage vehicle at all times. He/she must remain awake and observant of activities around the vehicle.

FEL/P must notify in writing ATF and the fire department having jurisdiction in the intended storage location no less than 3 Federal office business days prior to storage.

Read the entire ruling to ensure compliance with all other provisions.

ATF Ruling [2012-2](#), Storage in Uncovered Bins

Approves storage of display fireworks in fixed, unmarked, uncovered bins in magazines under specific conditions:

Display fireworks, including the quickmatch leaders, must be fully contained within the bins;

Safety (fuse) caps must be securely affixed to quickmatch leaders;

Shelving and bin systems must be made of, or lined with, non-sparking materials and be stable to prevent moving or falling during storage, handpicking, inventory, and inspection; and

Magazine door(s) must remain closed and locked when unattended.

Magazines may not contain any of the following—unless the other materials are separately stored and contained in covered containers or bins:

- Exposed explosive materials, including those from damaged fireworks;
- Partially assembled fireworks or components having exposed black powder match or pyrotechnic powder; or quickmatch and other pyrotechnic fuse with exposed ends not contained in a sealed bag.
- Display fireworks affixed with igniters must have a protective shroud covering the igniter head. Each igniter must be shunted or contain an electrical cap. Igniter wire and quickmatch leader must be secured to each other or otherwise attached.