

Legal Manufacture of Fireworks as a Hobby
By: Larry Huber
ATF Licensed – PGI Certified
www.LegalPyro.com

- Objectives**
- Define hobby fireworks
 - Define manufacturing and assembling
 - Review federal laws regarding fireworks
 - Understand steps required to become legal
 - Describe storage requirements
 - Understand Agencies Having Jurisdiction
 - Review state laws affecting fireworks
 - Resources for further research
 - Checklist

- Hobby Fireworks**
- Hobby - An activity or interest pursued outside one's regular occupation and engaged in for pleasure and education
 - Fireworks - A combination of explosives and combustibles, set off to generate colored lights, smoke, and noise for amusement
 - Hobby Fireworks - The personal creation of the components used to create an entertaining display using colored fire, sparks, flashes, and sounds

Manufacturing or Assembling

- **Manufacture**
 - To work transform raw materials into suitable forms for use
- **Assembly**
 - The act of constructing something
- **Fireworks**
 - Manufacture components from chemicals etc.
 - Assembly of components into a display item

Federal Law

- Fireworks fall under the category of explosives
- Explosives are regulated by the Bureau of Alcohol, Tobacco, Firearms, & Explosives
- Homeland Security Act of 2002
 - Expanded federal regulation of all explosives
 - Introduced new regulations known as the Safe Explosives Act which became effective during Calendar Year 2003

Federal Law

- Under federal law prior to 2002 certain persons were prohibited from possessing explosives
 - Felons
 - Fugitives
 - Users of, and persons addicted to, controlled substances
 - Persons who have been adjudicated mental defectives or committed to mental institutions

Federal Law

- The Safe Explosives Act of 2002 added 3 new categories of Prohibited Persons
 - Aliens (with limited exceptions)
 - Persons who have been dishonorably discharged from the military
 - Citizens of the United States who have renounced their citizenship

Federal Law

- A manufacturing license is required by

“Any person engaged in the business of manufacturing explosive materials for purposes of sale or distribution or for his own use”

(18 U.S.C., Chapter 40, Section 841)

Steps to Becoming Legal

- Gather, document, read and understand, all Federal and State legal requirements
- Start at the local level
 - Village, City, Township, County
- Ask if there are any local laws or ordinances that address the making and storing of fireworks in your community
 - Avoid using the term “Explosives”
 - Obtain copies of any local laws or ordinances
- Ask if there is anyone else that you can contact for more information

Steps to Becoming Legal

- Keep a journal of all contacts and information
 - Record date, name, & title of person contacted
 - Write down the Questions you asked
 - Record the Answers you received
 - List the names and contact information for others who might be able to provide information
 - Take the time to document, read and understand all information obtained

Steps to Becoming Legal

- Research how fireworks are regulated at the state level
- Every state has different laws
 - Start with State Statues
 - Determine which agencies are empowered with enforcement responsibilities
 - Follow up each lead and request copies of any laws or administrative rules that have been adopted to enforce the law
 - Keep your journal updated

Steps to Becoming Legal

- Obtain a copy of “The Orange Book” from the ATF or search for it online
- Read and understand all of the requirements to obtain a Federal license
- It will become obvious that an explosives storage magazine, or access to an approved magazine, is required before a license will be issued

Approved Storage Magazines

- “The Orange Book” lists 5 magazine types
- Only 3 types are approved for unattended storage of fireworks
 - Type I is a permanent structure
 - Type II is a trailer or other mobile facility
 - Type IV an indoor or outdoor secure container
- There are 2 other types of magazines
 - Type III is a portable temporary “day box”
 - Type V For storage of blasting agents only

General Magazine Requirements

- Must be Bullet-resistant
- Must be Fire-resistant
- Must be Weather-resistant
- Must be Theft-resistant
- Must be Ventilated
- Distance from other buildings and roads dictate the amount of storage permitted
- Requires regular inspection

Type I Magazine

- Permanent Structure
 - A building, an igloo or “Army-type structure”, a tunnel, or a dugout.
- Masonry, wood, or metal, construction or a combination of these materials
- specifications differ based on material
- Consult The Orange Book for Specs



Type II Magazine

- A mobile facility
 - box, trailer, or semi-trailer
- Must be effectively immobilized
- Securely fastened to a fixed object if less than one cubic yard in size.
- Consult The Orange Book for Specs



Type IV Magazine

- Low Explosives Only
- Indoor
 - Not located in a residence or dwelling
 - No more than 50 lbs. of Low Explosives
- Outdoor
 - Immobilized
 - Weather-resistant
- Consult The Orange Book for Specs



Agencies Having Jurisdiction

- Federal Agencies
 - Bureau of Alcohol, Tobacco, Firearms, and Explosives
 - Federal Bureau of Investigation
 - Environmental Protection Agency
- States require adherence to federal law
- States often require a copy of your federal license prior to issuing a state license or manufacturing permit

Agencies Having Jurisdiction

- Local Fire and Police Departments
 - Local Emergency Management group
- Wisconsin State Agencies
 - Department of Commerce (Licensing)
 - Safety and Buildings Division (Magazine Permit)
 - Department of Natural Resources
 - State Emergency Management Office
 - Wisconsin Department of Military Affairs
- Develop a list of AHJ for your state

State Agencies

- Illinois (*Mfg permit fee \$50 + \$1,000 bond*)
 - State Fire Marshal – Division of Fire Prevention
- Indiana (*Registration fee \$1,000*)
 - State Fire Marshal
- Iowa
 - State Fire Marshal
- Michigan (*Changes pending*)
 - Michigan State Police – Fire Marshal Division

State Agencies

- Minnesota (*State and local permits req'd.*)
 - Dept. of Public Safety – State Fire Marshal
- Missouri (*Annual Mfg. permit fee \$775*)
 - State Fire Marshal
- North Dakota (*Annual fee \$250*)
 - State Fire Marshal
- Most state laws are reviewed and change regularly – Constant monitoring advised

Closing Thoughts

- Laws and their interpretation is a matter of semantics (*determining the meaning of words*)
 - Lawyers and politicians make a handsome income
- Some words conjure up visions that terrify
- Other words evoke fond memories
- You have no idea the effect your words have
 - I'm thankful that God forgives and forgets
- Choose your words wisely!

Online Information Resources

- Bureau of Alcohol, Tobacco, Firearms, & Explosives
<http://www.atf.treas.gov/>
- The Orange Book
<http://www.atf.gov/explarson/fedexplolaw/index.htm>
- APA - Follow the "Directory of State Laws" Link for a single page summary of regulations listed for each state
<http://www.americanpyro.com/>

Questions
