

**Legal Manufacture of  
Fireworks as a Hobby**

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- 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

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- 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

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### 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

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### 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

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### 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

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### 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

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### 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)*

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### 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

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### 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

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### 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

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### 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

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### 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

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### 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
- Regular inspections required

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### 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



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### 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



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### 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



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### 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

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### 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

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### 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

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### 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

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### 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!

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### 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/>

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### Questions

- Visit the [www.LegalPyro.com](http://www.LegalPyro.com) website

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