

WAC 296-52-60020 Exemptions. (1) **The following are exempt from this chapter:**

(a) Explosives or blasting agents transported by railroad, water, highway, or air under the jurisdiction of the Federal Department of Transportation (DOT), the Washington state utilities and transportation commission, and the Washington state patrol.

(b) Laboratories of schools, colleges, and similar institutions if confined to the purpose of instruction or research and if the quantity does not exceed one pound.

(c) Explosives in the forms prescribed by the official United States Pharmacopoeia.

(d) The transportation, storage, and use of explosives or blasting agents in the normal and emergency operations of:

(i) The United States agencies and departments including the regular United States military departments on military reservations;

(ii) Arsenal, navy yards, depots, or other establishments owned by, operated by, or on behalf of, the United States;

(iii) The duly authorized militia of any state; and

(iv) The emergency operations of any state department or agency, any police, or any municipality or county.

(e) A hazardous devices technician when they are carrying out:

(i) Normal and emergency operations;

(ii) Handling evidence;

(iii) Operating and maintaining a specially designed emergency response vehicle that carries no more than ten pounds of explosive materials;

(iv) When conducting training and whose employer possesses the minimum safety equipment prescribed by the Federal Bureau of Investigation (FBI) for hazardous devices work.

Note: A hazardous devices technician is a person who is a graduate of the FBI Hazardous Devices School and who is employed by a state, county, or municipality.

(f) The importation, sale, possession, and use of fireworks, signaling devices, flares, fuses, and torpedoes.

(g) Reserved.

(h) Any violation under this chapter if any existing ordinance of any city, municipality, or county is more stringent.

(i) The transportation and storage of explosive actuated tactical devices, including noise and flash diversionary devices, by local law enforcement tactical response teams and officers in law enforcement department-issued vehicles designated for use by tactical response teams and officers, provided the explosive devices are stored and secured in compliance with regulations and rulings adopted by the federal bureau of alcohol, tobacco, firearms, and explosives.

(2) **Noncommercial military explosives.** Storage, handling, and use of noncommercial military explosives are exempt from this chapter while they are under the control of the United States government or military authorities.

(3) **Import, sale, possession, or use of:**

(a) Consumer fireworks;

(b) Signaling devices;

(c) Flares;

(d) Fuses;

(e) Torpedoes.

(4) **Consumer fireworks.** Fireworks classified as Division 1.4 explosives by U.S. DOT and regulated through the state fireworks law (chapter 70.77 RCW) and the fireworks administrative code (chapter 212-17 WAC) by the Washington state fire marshal.

Note: Consumer fireworks are classified as fireworks UN0336 and UN0337 by U.S. DOT (49 C.F.R. 72.101).

(5) **Partial exemption—Division 1.1, 1.2, or 1.3 display fireworks.** Display fireworks are fireworks classified as Division 1.1, 1.2, or 1.3 explosives by US DOT. Users of Division 1.1, 1.2, or 1.3 display fireworks must comply with all storage or storage related requirements (for example, licensing, construction, and use) of this chapter.

Note: Display fireworks are classified as fireworks UN0333, UN0334, or UN0335 by U.S. DOT (49 C.F.R. 172.101).

(6) **Conditional exemption small arms explosive materials.** Public consumers possessing and using:

- (a) Black powder, under five pounds;
- (b) Smokeless powder, under fifty pounds;
- (c) Small arms ammunition;
- (d) Small arms ammunition primers.

Unless these materials are possessed or used illegally or for a purpose inconsistent with small arms use.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 17-16-132, § 296-52-60020, filed 8/1/17, effective 9/1/17. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 70.74..020 [70.74.020] and chapters 49.17 and 70.74 RCW. WSR 14-08-024, § 296-52-60020, filed 3/24/14, effective 5/1/14. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. WSR 06-19-074, § 296-52-60020, filed 9/19/06, effective 12/1/06; WSR 03-06-073, § 296-52-60020, filed 3/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. WSR 02-03-125, § 296-52-60020, filed 1/23/02, effective 3/1/02.]