

**WAC 212-17-045 Explosive pest control devices (EPCDs) or "agricultural and wildlife fireworks."** (1) No state fireworks license is required to purchase or use explosive pest control devices (EPCDs); however, as they are classified explosive devices and regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), a federal explosives permit is required.

(2) In order to purchase or use EPCDs, a federal explosives permit is required unless purchased by a government agency in accordance with RCW 70.77.311.

(3) For commercial fishers and licensed commercial fishing boat owners to receive or purchase EPCDs for use on pinnipeds (seals and sea lions), a written plan is needed to receive a Certificate of Inclusion, issued by the United States Department of Commerce, National Oceanic and Atmospheric Administration.

(a) The marine mammal management plan should describe the wildlife management problem that requires use of such devices.

(b) The frequency and duration of using EPCDs.

(c) The quantity of EPCDs is of a quantity no greater than required to control the problem described.

(4) Unless specifically required to be used, EPCDs are not to be used when a burn ban is in place or there is an increased fire danger.

(5) EPCDs are not to be used in a reckless or malicious manner that is not reasonable or prudent that threatens to injure or kill wildlife or persons.

(6) The state fire marshal will notify the Washington state department of fish and wildlife of any violations.

(7) Penalties for violations of this section are provided in WAC 212-17-515.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-045, filed 11/3/15, effective 1/1/16; WSR 84-23-009 (Order FM 84-05), § 212-17-045, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-045, filed 11/2/82.]