

Chapter 212-17 WAC FIREWORKS

Last Update: 11/3/15

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 212-17-001 Title. [Statutory Authority: Chapter 70.77 RCW. WSR 88-08-027 (Order FPS 88-01), § 212-17-001, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-001, filed 11/2/82. Formerly chapter 212-16 WAC.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.
- 212-17-010 Purpose. [Statutory Authority: Chapter 70.77 RCW. WSR 88-08-027 (Order FPS 88-01), § 212-17-010, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-010, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.
- 212-17-020 Authority. [Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-020, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.
- 212-17-030 Definition and classification—"Trick and novelty devices." [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-030, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-030, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.
- 212-17-032 Definition and classification—"Articles pyrotechnic." [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-032, filed 5/24/05, effective 6/24/05.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.
- 212-17-035 Definition and classification—"Consumer fireworks." [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-035, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250. WSR 84-23-009 (Order FM 84-05), § 212-17-035, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-035, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.
- 212-17-040 Definition and classification—"Display fireworks." [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-040, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250. WSR 84-23-009 (Order FM 84-05), § 212-17-040, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-040, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.
- 212-17-042 Definition and classification—"Special effects." [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-042, filed 5/24/05, effective 6/24/05.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.
- 212-17-075 Fireworks manufacturer—Local ordinances. [Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-075, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.
- 212-17-090 Fireworks manufacturer—Restrictions. [Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-090, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.
- 212-17-095 Fireworks manufacturer—Building and structures. [Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-095, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.
- 212-17-100 Fireworks manufacturer—Personnel. [Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-100, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.
- 212-17-105 Fireworks manufacturer—Visitors. [Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-105, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.
- 212-17-110 Fireworks manufacturer—Fire nuisance. [Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-110, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.
- 212-17-115 Fireworks wholesaler—General. [Statutory Authority: Chapter 70.77 RCW. WSR 88-08-027 (Order FPS 88-01), § 212-17-115, filed 3/31/88. Statutory Authority: RCW 70.77.250. WSR 84-23-009 (Order FM 84-05), § 212-17-115, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-115, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.
- 212-17-120 Fireworks wholesaler—Licensing. [Statutory Authority: Chapter 70.77 RCW. WSR 88-08-027 (Order FPS 88-01), § 212-17-120, filed 3/31/88. Statutory Authority: RCW 70.77.250. WSR 84-23-009 (Order FM 84-05), § 212-17-120, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-120, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.
- 212-17-125 Fireworks wholesaler—Investigation. [Statutory Authority: Chapter 70.77 RCW. WSR 88-08-027 (Order FPS 88-01), § 212-17-125, filed 3/31/88. Statutory Authority: RCW 70.77.250. WSR 84-23-009 (Order FM 84-05), § 212-17-125, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-125, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.
- 212-17-135 Fireworks wholesaler—License limitations. [Statutory Authority: Chapter 70.77 RCW. WSR 88-08-027 (Order FPS 88-01), § 212-17-135, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-135, filed

11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-140 Fireworks wholesaler—Records and reports. [Statutory Authority: Chapter 70.77 RCW. WSR 89-17-024 (Order 89-03), § 212-17-140, filed 8/8/89, effective 9/8/89; WSR 88-08-027 (Order FPS 88-01), § 212-17-140, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-140, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-150 Fireworks wholesaler—Personnel. [Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-150, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-155 Fireworks wholesaler—Visitors. [Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-155, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-160 Fireworks wholesaler—Fire nuisance. [Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-160, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-165 Importers of fireworks—General. [Statutory Authority: RCW 70.77.250. WSR 84-23-009 (Order FM 84-05), § 212-17-165, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-165, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-170 Importers of fireworks—Licensing. [Statutory Authority: Chapter 70.77 RCW. WSR 88-08-027 (Order FPS 88-01), § 212-17-170, filed 3/31/88. Statutory Authority: RCW 70.77.250. WSR 84-23-009 (Order FM 84-05), § 212-17-170, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-170, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-175 Importers of fireworks—License scope. [Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-175, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-180 Importers of fireworks—Restrictions. [Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-180, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-190 Retailers of fireworks—Sales dates. [Statutory Authority: RCW 70.77.250. WSR 84-23-009 (Order FM 84-05), § 212-17-190, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-190, filed 11/2/82.] Repealed by WSR 98-13-038, filed 6/9/98, effective 7/10/98. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW.

212-17-195 Retailers of fireworks—Sales locations. [Statutory Authority: Chapter 70.77 RCW. WSR 89-17-024 (Order 89-03), § 212-17-195, filed 8/8/89, effective 9/8/89; WSR 88-08-027 (Order FPS 88-01), § 212-17-195, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-195, filed 11/2/82.] Repealed by WSR 98-13-038, filed 6/9/98, effective 7/10/98. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW.

212-17-200 Retailers of fireworks—Safety inspection. [Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-200, filed 11/2/82.] Repealed by WSR 98-13-038, filed 6/9/98, effective 7/10/98. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW.

212-17-203 Retailers of fireworks—List to be posted. [Statutory Authority: Chapter 70.77 RCW. WSR 88-08-027 (Order FPS 88-01), § 212-17-203, filed 3/31/88. Statutory Authority: RCW 70.77.250. WSR 84-23-009 (Order FM 84-05), § 212-17-203, filed 11/9/84.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-205 Retailers of fireworks—No smoking signs. [Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-205, filed 11/2/82.] Repealed by WSR 98-13-038, filed 6/9/98, effective 7/10/98. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW.

212-17-210 Retailers of fireworks—Smoking and discharge of fireworks. [Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-210, filed 11/2/82.] Repealed by WSR 98-13-038, filed 6/9/98, effective 7/10/98. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW.

212-17-215 Retailers of fireworks—Disposition of unsold stock. [Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-215, filed 11/2/82.] Repealed by WSR 98-13-038, filed 6/9/98, effective 7/10/98. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW.

212-17-21503 Retailers of fireworks—Definitions. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-21503, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. WSR 98-04-007, § 212-17-21503, filed 1/23/98, effective 2/23/98.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-21507 Retailers of fireworks—Transportation. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-21507, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. WSR 98-04-007, § 212-17-21507, filed 1/23/98, effective 2/23/98.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-21517 Retailers of fireworks—Temporary fireworks storage associated with the retail fireworks stand operation. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-21517, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. WSR 98-04-007, § 212-17-21517, filed 1/23/98, effective 2/23/98.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-240 Pyrotechnic operators—Observance of laws, rules and regulations. [Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-240, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-245 Public displays of fireworks—General. [Statutory Authority: Chapter 70.77 RCW. WSR 88-08-027 (Order FPS 88-01), § 212-17-245, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-245, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-255 Public displays of fireworks—Type of license. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-255, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-255, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-265 Reports. [Statutory Authority: Chapter 70.77 RCW. WSR 88-08-027 (Order FPS 88-01), § 212-17-265, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-265, filed 11/2/82.] Repealed by WSR 05-12-033, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapters 43.43 and 70.77 RCW.

212-17-285 Public displays of fireworks—Spectators. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-285, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-285, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-290 Public displays of fireworks—Pyrotechnic operators. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-290, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-290, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-300 Public display—Definitions. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-300, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. WSR 90-10-006 (Order 90-02), § 212-17-300, filed 4/19/90, effective 5/20/90. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-300, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-305 Public display—Construction of shells. [Statutory Authority: Chapter 70.77 RCW. WSR 90-10-006 (Order 90-02), § 212-17-305, filed 4/19/90, effective 5/20/90. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-305, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-310 Public display—Storage of shells. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 06-12-010, § 212-17-310, filed 5/26/06, effective 6/26/06; WSR 05-12-033, § 212-17-310, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. WSR 90-10-006 (Order 90-02), § 212-17-310, filed 4/19/90, effective 5/20/90. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-310, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-315 Public display—Installation of mortars. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 06-12-010, § 212-17-315, filed 5/26/06, effective 6/26/06. Statutory Authority: Chapter 70.77 RCW. WSR 90-10-006 (Order 90-02), § 212-17-315, filed 4/19/90, effective 5/20/90. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-315, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-317 Public display—Electrical firing unit. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-317, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. WSR 90-10-006 (Order 90-02), § 212-17-317, filed 4/19/90, effective 5/20/90.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-320 Public display—Site selection. [Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-320, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-321 Public display—Installation of buried mortars. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 06-12-010, § 212-17-321, filed 5/26/06, effective 6/26/06.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-323 Installation of mortar racks. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 06-12-010, § 212-17-323, filed 5/26/06, effective 6/26/06.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-325 Public display—Discharge site. [Statutory Authority: Chapter 70.77 RCW. WSR 90-10-006 (Order 90-02), § 212-17-325, filed 4/19/90, effective 5/20/90. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-325, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-327 Requirements for chain fusing. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 06-12-010, § 212-17-327, filed 5/26/06, effective 6/26/06.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-330 Public display—Operation. [Statutory Authority: Chapter 70.77 RCW. WSR 90-10-006 (Order 90-02), § 212-17-330, filed 4/19/90, effective 5/20/90. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-330, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-335 Public display—Firing of shells. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-335, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. WSR 90-10-006 (Order 90-02), § 212-17-335, filed 4/19/90, effective 5/20/90; WSR 88-08-027 (Order FPS 88-01), § 212-17-335, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-335, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-340 Public display—Ground pieces. [Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-340, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-342 Public display—Floating vessels and platforms. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 06-06-003, § 212-17-342, filed 2/16/06, effective 3/19/06.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-350 Proximate display—Use of proximate before an audience. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-350, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-350, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-352 Transportation—By common carrier. [Statutory Authority: Chapter 70.77 RCW. WSR 88-08-027 (Order FPS 88-01), § 212-17-352, filed 3/31/88.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-355 Proximate display—Proximate permit. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-355, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-355, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-360 Proximate display—Pyrotechnic display plans. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-360, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-360, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-362 Storage—By common carrier. [Statutory Authority: Chapter 70.77 RCW. WSR 88-08-027 (Order FPS 88-01), § 212-17-362, filed 3/31/88.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-365 Proximate display—Pyrotechnic display demonstrations. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-365, filed 5/24/05, effective 6/24/05.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-370 Proximate display—Definitions. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-370, filed 5/24/05, effective 6/24/05.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-375 Proximate display—Transportation of pyrotechnic material. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-375, filed 5/24/05, effective 6/24/05.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-380 Proximate display—Storage of pyrotechnic materials and WAC devices. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-380, filed 5/24/05, effective 6/24/05.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-385 Proximate display—Separation from heat sources. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-385, filed 5/24/05, effective 6/24/05.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-390 Proximate display—Identification of pyrotechnic devices or binary systems. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-390, filed 5/24/05, effective 6/24/05.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-395 Proximate display—General fire protection. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-395, filed 5/24/05, effective 6/24/05.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-400 Proximate display—Firing prerequisites. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-400, filed 5/24/05, effective 6/24/05.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-405 Proximate display—Firing safeguards. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-405, filed 5/24/05, effective 6/24/05.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-410 Proximate display—Separation distances from audience. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-410, filed 5/24/05, effective 6/24/05.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-415 Proximate display—Performance. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-415, filed 5/24/05, effective 6/24/05.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-420 Proximate display—After the performance. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-420, filed 5/24/05, effective 6/24/05.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-445 Storage—By common carrier. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-445, filed 5/24/05, effective 6/24/05.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-450 Fines and penalties. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-450, filed 5/24/05, effective 6/24/05.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-455 Definitions. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-455, filed 5/24/05, effective 6/24/05.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-500 Type I violations. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-500, filed 5/24/05, effective 6/24/05.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-505 Type II violations. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-505, filed 5/24/05, effective 6/24/05.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-510 Type III violations. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-510, filed 5/24/05, effective 6/24/05.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

212-17-900 Appendix. [Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-900, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-900, filed 11/2/82.] Repealed by WSR 15-22-082, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250.

PART I—GENERAL

WAC 212-17-015 Scope. These rules apply to the manufacture, storage, transportation, sale, importation, possession, classification, and discharge of fireworks of every class or kind in this state. With the exception of importation regulations, this chapter does not apply to tribal fireworks stands operated by an enrolled tribal member on tribal lands or allotted lands within an established Indian reservation pursuant to chapter 37.12 RCW.

Exceptions:

- (1) Explosives, as defined and regulated under the state explosives law, chapter 70.74 RCW;
- (2) Firearms and ammunition, including blank cartridges and pistols of the type used at sporting events or theatrical productions;
- (3) Research or experiments with rockets or missiles, including model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models;
- (4) Toy paper and/or plastic caps, or toy pistols, toy canes, toy guns, or other devices in which toy paper and/or plastic caps are used;
- (5) Emergency signaling devices including, but not limited to, devices intended for signaling, illuminating, and incendiary purposes such as:
 - (a) Railway torpedoes;
 - (b) Airplane flares;
 - (c) Illuminating projectiles;
 - (d) Incendiary and smoke projectiles;
 - (e) Flash cartridges (formerly classified as special fireworks);
 - (6) Line throwing rocket classified as UN0453 with DOT regulations 49 C.F.R. 171-173.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-015, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-015, filed 11/2/82.]

WAC 212-17-021 Adoption of code. (1) The state fire marshal adopts the following standards in effect on the effective date of this section unless otherwise outlined in this chapter:

- (a) National Fire Protection Association (NFPA) codes:
 - (i) NFPA 140 2013 edition, Standard on motion picture and television production, studio soundstages, approved production facilities, and production locations.
 - (ii) NFPA 160 2011 edition, Standard for the use of flame effects before an audience.
 - (iii) NFPA 1123 2014 edition, Code for fireworks display.
 - (iv) NFPA 1126 2011 edition, Standard for the use of pyrotechnics before a proximate audience.

(b) American Pyrotechnic Association (APA) standard 87-01 2004 edition, Standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics.

(2) If there is a conflict between a standard and rule, the standard will be followed unless the rule is more stringent.

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

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-021, filed 11/3/15, effective 1/1/16.]

WAC 212-17-025 Definition and classification—"Fireworks." (1) **Consumer fireworks** as defined in RCW 70.77.136 includes the following devices manufactured in accordance with the American Pyrotechnics Association Standards outlined in WAC 212-17-021:

(a) Ground and hand-held sparkling devices;

(i) Wire sparkler/dipped stick;

(ii) Cylindrical fountain;

(iii) Cone fountain;

(iv) Illuminating torch;

(v) Wheel;

(vi) Ground spinner;

(vii) Flitter sparkler;

(viii) Toy smoke device;

(b) Aerial device;

(i) Helicopter, aerial spinner;

(ii) Roman candles;

(iii) Mine and shell devices;

(iv) Aerial shell kit, reloadable tube.

(c) Multiple tube fireworks devices - Cake.

(d) New fireworks items as defined in RCW 70.77.236 may be added to the list of consumer fireworks if approved by the state fire marshal.

(2) **"Dangerous fireworks"** means:

(a) Any firework in its originally manufactured form that meets the standards for a consumer firework as established in this chapter, that has been altered, modified, enhanced, manipulated, tampered, or disassembled.

(b) Fireworks that are examined or tested for compliance with standards established for consumer fireworks and determined to possess characteristics of design or construction that make such item unsafe for use by any person not specially qualified or trained in the use of fireworks. The determination may be made by:

(i) The consumer product safety commission;

(ii) Bureau of Alcohol, Tobacco, Firearms and Explosives;

(iii) State fire marshal's office; or

(iv) Department of labor and industries.

(c) All fireworks designed and intended by the manufacturer to create the element of surprise upon the user.

(d) Fireworks that explode upon impact or by friction, unless otherwise classified by the state fire marshal pursuant to this chapter.

(3) **"Display fireworks"** means pyrotechnic devices for professional use similar to consumer fireworks in chemical composition and con-

struction but not intended for consumer use. Types of display fireworks:

- (a) Aerial shell that is:
 - (i) Cylindrical or spherical cartridge containing:
 - (A) Lift charge;
 - (B) Burst charge;
 - (C) Effect composition.
 - (ii) Commonly sized from two to ten inches in diameter; and
 - (iii) Fired from metal, high-density polyethylene (HDPE), fiberglass, or heavy cardboard tubes.

- (b) Salute that is:
 - (i) Paper-wrapped, cardboard tube, or sphere containing explosive composition in excess of 130 mg (2 grains); and
 - (ii) Upon ignition, produces noise and a flash of light.
- (c) Consumer fireworks.

(4) "**Explosive pest control devices (EPCDs)**" means pest control pyrotechnics or agricultural and wildlife fireworks devices used for pest control efforts within the agricultural, aquacultural (commercial fishing operations), horticultural, and aviation industries when wildlife damage agriculture, property, or threaten public safety or health.

Commonly known types of EPCDs are:

(a) "**Bird bombs, shell crackers or cracker shells**" means 12 gauge shotgun shells containing a sound and flash explosive charge that is designed to explode in air or on the surface of the water at a distance of seventy-five to one hundred yards from the point of discharge.

(b) "**Screamer rockets or banger rockets**" means units ignited using a hand-held launcher, similar to a .22 short caliber starter pistol, that fly through the air, emitting a loud whistling sound (screamers) similar to other whistling type fireworks, or end in an impulsive report similar to a firecracker.

(c) "**Seal bomb**" means underwater firecrackers available domestically, similar to "M-80" firecrackers and contain approximately 2.3 grams of "flash and sound" charge mixture in a sealed cardboard tube, fitted with an eight to nine second waterproof fuse. UN0471 Class 1.4E explosives or NA0412 Class 1.4E explosive.

(d) "**Rocket nets**" means a net that is propelled by regulated explosive materials to capture or scare away pest wildlife.

(e) "**Rope firecrackers**" or "**rope salutes**" means the fuses of large firecrackers are inserted through cotton rope. As the rope burns, the fuses are ignited.

(5) "**Flame effect**" means the combustion of solids, liquids, or gases to produce thermal, physical, visual, or audible phenomena before an audience in one of the three methods:

(a) "Automatic flame effect" means a flame effect that is supervised and fired by an automatic control system.

(b) "Manual flame effect" means a flame effect that is operated manually without the use of an automatic control system.

(c) "Portable flame effects" means flame effects that are designed and installed, either in a permanent or temporary installation, and that are designed to move or be moved in the course of operation or installation.

(6) "**Forbidden devices**" means any device for sale to the public that produces an audible effect (other than a whistle) by a charge of more than 130 mg (2 grains) of explosive composition per report.

(7) **"Igniter"** means device used for the electrical ignition of fireworks and pyrotechnic articles that contains a small amount of pyrotechnic material that ignites when a specified electric current flows through the leads.

(8) **"Prohibited components"** means no component of any consumer fireworks device or novelty may upon functioning, project or disperse any metal, glass, or brittle plastic fragments.

(9) **"Theatrical pyrotechnics"** means pyrotechnics that are approved as:

(a) UN0431, Articles, Pyrotechnic 1.4G;

(b) UN0432, Articles, Pyrotechnic 1.4S;

(c) UN0430, Articles, Pyrotechnic 1.3G; and

(d) Do not bear a warning label that resembles the required wording on a consumer fireworks device.

(10) **"Trick and novelty devices"** means any small fireworks devices that are not regulated as explosives and are not classified as consumer or display fireworks by the United States Department of Transportation.

(a) These devices must still comply with all labeling requirements of the Consumer Product Safety Commission applicable to consumer fireworks devices as required in WAC 212-17-055 and includes the following items as defined in APA 87-1:

(i) Snakes, glow worm.

(ii) Party popper.

(iii) Snapper.

(iv) Toy smoke devices.

(v) Toy caps.

(b) Trick and novelty devices does not include any kind of sparklers as outlined in subsection (1)(a) of this section.

(11) For the purpose of this chapter the following terms will have the same meaning as APA 87-1 adopted under WAC 212-17-021:

(a) Chemical composition.

(b) Explosive composition.

(c) Pyrotechnic composition.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-025, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-025, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250. WSR 84-23-009 (Order FM 84-05), § 212-17-025, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-025, filed 11/2/82.]

WAC 212-17-028 Definitions—General. (1) **"Citation"** means a document issued by the office of the state fire marshal pursuant to chapter 70.77 RCW to issue a civil penalty for a violation of RCW 70.77.480 through 70.77.520. A citation may include, but is not limited to, a description of the violation(s) and a notice of civil penalty assessment.

(2) **"Building"** means any structure used or intended for supporting or sheltering any use or occupancy.

(3) **"Consumer fireworks retail sales (CFRS) facility"** means a permanent or temporary structure, CFRS stand, tent, canopy, or membrane structure that is used primarily for the retail display and sale of consumer fireworks to the public.

- (4) "**Facility**" means a consumer fireworks retail sales facility, distribution facility, or manufacturing facility.
- (5) "**Formal hearing**" is a hearing before a hearings officer where the laws, rules, and evidence are presented, considered, and a proposed opinion issued.
- (6) "**Hazard**" means a condition which could result in fire loss, injury, or damage to a person or property.
- (7) "**Hearings request**" means the written request for a formal hearing to contest a civil penalty.
- (8) "**Inhabited building**" means a building regularly occupied in whole or in part as a habitation for people, or any place of religious worship, schoolhouse, railroad station, store or other structure where people are accustomed to assemble, except any building or structure occupied in connection with the manufacture, transportation, storage or use of explosive materials.
- (9) "**International Building Code**" means the edition currently adopted by chapter 51-50 WAC.
- (10) "**International Fire Code**" means the edition currently adopted by chapter 51-54A WAC.
- (11) "**Magazine**" means a structure, other than an explosives manufacturing building approved for the storage of explosive materials.
- (12) "**Permanent structure**" means an enclosure or shelter erected for a period of thirty days or more used for the sales, at retail or wholesale, of legal fireworks of any kind.
- (13) "**Person**" means one or more individuals, legal representatives, partnerships, joint ventures, associations, corporations (whether or not organized for profit), business trusts, or any organized group of persons and includes the state, state agencies, counties, municipal corporations, school districts, and other public corporations.
- (14) "**Private way**" means any privately owned driveway, lane, access way, or similar parcel of land essentially unobstructed from the ground to the sky which serves as access from private property to a public road.
- (15) "**Public road**" means any street or alley essentially unobstructed from the ground to the sky which is deeded, dedicated, or otherwise permanently appropriated to the public for public use.
- (16) "**Recognized testing laboratory**" means a nationally recognized testing laboratory approved by the state fire marshal.
- (17) "**State fire marshal**" means the director of the fire protection bureau of the Washington state patrol as appointed by the chief or his or her designee.
- (18) "**Temperature overheat protection**" means a device which immediately interrupts the power to the heating element of a portable heating unit when the portable heating unit exceeds its designed operating temperature.
- (19) "**Temporary power drop**" means an electrical service connection to a temporary retail fireworks stand.
- (20) "**Temporary storage**" means a structure used for storage of consumer fireworks directly related to a CFRS facility and authorized under WAC 212-17-117.
- (21) "**Temporary structure**" means an enclosure or shelter erected for a period of less than thirty days and not otherwise defined in the International Fire Code as a canopy.
- (22) "**Tip-over protection**" means a device which immediately interrupts the power to the heating element of a portable heating unit

when the portable heating unit is tipped or tilted more than forty-five degrees from its designed operating position.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-028, filed 11/3/15, effective 1/1/16.]

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.]

WAC 212-17-050 Consumer firework device chemical content, construction. (1) All consumer fireworks devices must meet the chemical content, design, and construction requirements required by the American Pyrotechnic Association Standard adopted under WAC 212-17-021, and the U.S. DOT regulations and Consumer Product Safety Commission standards.

(2) Consumer fireworks devices will not contain:

(a) Prohibited components.

(b) Forbidden devices.

(c) Any chemicals listed as prohibited in the American Pyrotechnic Association Standard adopted under WAC 212-17-021 and Consumer Product Safety Commission standards.

(i) Any fireworks device that is suspected by an authority having jurisdiction of containing prohibited chemicals will be sent to the

Consumer Product Safety Commission for laboratory testing through the state fire marshal's office.

(ii) The manufacturer or importer may send samples for independent testing by a recognized testing laboratory at their own cost.

(iii) For a licensed manufacturer, importer, and wholesaler any similar devices are to be segregated from inventory of products that can be sold or used until the findings of the testing laboratory indicate:

(A) The device(s) meet the chemical content in APA 87-1 and can be put into the owner's inventory for sale or use.

(B) The presence of prohibited chemicals which will result in the owner having the responsibility to make arrangements to destroy the devices.

Any items destroyed will need to be witnessed by the authority having jurisdiction or government official such as a police officer, fire marshal, or federal enforcement agent.

(3) Violations of this section are defined in WAC 212-17-515.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-050, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-050, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250. WSR 84-23-009 (Order FM 84-05), § 212-17-050, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-050, filed 11/2/82.]

WAC 212-17-053 Altered consumer fireworks—Dangerous firework.

(1) It is illegal to alter any firework from its originally manufactured form and intended use except as provided in subsection (3) of this section.

(2) It is illegal to possess, sell, purchase, store, or discharge any dangerous fireworks.

(3) The altering of a consumer or display firework can only be done legally when:

(a) For the purpose of this section a licensed pyrotechnic operator or person(s) under the direct supervision of a licensed pyrotechnic operator altering a fuse as part of a public display for consumer fireworks that are electronically fired is not considered a dangerous fireworks.

(b) A person without a pyrotechnic operator's license cannot alter fireworks.

This would include using an igniter attached to the fuse for electronically firing of the device.

This does not include the use of:

(i) A nonpyrogen type initiator that clips onto the fuse and a heated wire is the source of ignition.

(ii) Other nonregulated initiator approved by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

(c) This section does not apply to law enforcement, government agency, testing laboratory, or designated hazardous material transportation carrier who is transporting dangerous fireworks to a destruction site.

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

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-053, filed 11/3/15, effective 1/1/16.]

WAC 212-17-055 Firework device, labeling. (1) Fireworks intended for consumer sale and use must be labeled in conformance with the requirements of the Federal Hazardous Substances Act (FHSA) and regulations promulgated thereunder in Title 16 C.F.R., § 1500.

(2) All outside packaging containing fireworks must be marked and labeled in conformance with Title 49 C.F.R., Part 172.

(a) For consumer fireworks all label wording must be:

(i) Prominently located;

(ii) In the English language; and

(iii) In conspicuous and legible type in contrast by typography, layout, or color with the printed matter on the fireworks device or container.

(b) For display fireworks aerial shells, each shell must bear a label containing the following information:

(i) A description of the size of the shell (e.g., "3 in. (76 mm) shell").

(ii) A description of the type of shell (e.g., "2-break with report").

(iii) A warning statement reading:

"WARNING: DANGEROUS EXPLOSIVE.

IF FOUND, DO NOT HANDLE.

CONTACT LOCAL FIRE OR POLICE DEPARTMENT."

(iv) The name and location of business of the manufacturer, importer, or distributor.

(c) For proximate or theatrical fireworks, articles intended for indoor use:

(i) Must be so marked, and labels must include the following information:

(A) Accurate performance characteristics of the device.

(B) For fountains, gerbs, and other preloads, duration, height, and diameter of the effect, as applicable.

(ii) A warning label providing instructions to a trained operator is permitted for theatrical pyrotechnics that are approved as UN0431, Articles, Pyrotechnic, 1.4G but will not bear a warning label that resembles the required wording on a consumer fireworks device.

(iii) Theatrical pyrotechnics may or may not have an ignition device attached.

(iv) All requests for approval of a device as articles, pyrotechnic must be accompanied by a signed certification stating that the article is intended for professional use in the entertainment industry and will not be offered for sale to the general public.

(A) Approvals for classification as articles, pyrotechnic will be evaluated based on the weight of pyrotechnic composition in the individual article, and compared to the allowable weights for the corresponding category of 1.4G consumer fireworks.

(B) If a 1.4G classification is desired for an article containing more pyrotechnic composition than is permitted for a comparable consumer firework, the DOT approval procedure in Title 49 C.F.R., § 173.56 (b)(1) will be followed.

(3) Any firework that does not conform to the requirements of this section regarding labeling is to be confiscated for destruction

as a dangerous firework in accordance with the Consumer Product Safety Commission's timeline. The cost associated with destruction of any firework in violation of this section will be at the possessor's expense.

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

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-055, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-055, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250. WSR 84-23-009 (Order FM 84-05), § 212-17-055, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-055, filed 11/2/82.]

WAC 212-17-060 Public purchase and use of fireworks. (1) The public may purchase and use consumer fireworks from licensed CFRS facilities only:

(a) During the periods provided in RCW 70.77.395.

(b) With a permit issued by the local authority having jurisdiction under RCW 70.77.311(2) as follows:

(i) Application must be on forms provided by the state fire marshal (may be attached to any permit application form from a jurisdiction) and will contain the following information:

(A) The name and mailing address of the organization or person desiring to purchase and discharge the fireworks;

(B) The date and time of the proposed discharge;

(C) The location of the proposed discharge;

(D) The quantity and type of fireworks desired to be purchased and discharged;

(E) The reason or purpose of the discharge; and

(F) The signature of the applicant, following a statement that: "The applicant understands and agrees to comply with all provisions of the application and requirements of the approving authority, will discharge the fireworks only in a manner that will not endanger persons or property or constitute a nuisance, and assumes full responsibility for all consequences of the discharge, intended or not."

(ii) Upon approval by the fire official, the applicant will provide a copy of the approval to any licensed wholesaler as proof of authorization to purchase the fireworks listed therein.

(iii) The applicant must retain the approval and have it available for inspection by any public official at the actual discharge of the fireworks.

(2) This section does not apply to public displays of fireworks.

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

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-060, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-060, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. WSR 88-08-027 (Order FPS 88-01), § 212-17-060, filed 3/31/88. Statutory Authority: RCW 70.77.250. WSR 84-23-009 (Order FM 84-05), § 212-17-060, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-060, filed 11/2/82.]

PART II— FIREWORKS LICENSES—MANUFACTURER, IMPORTER AND WHOLESALE

WAC 212-17-065 Fireworks general. (1) Before receiving a state license under RCW 70.77.315 or local permit, persons intending to manufacture, import, or wholesale fireworks in this state must procure a federal and state license where required.

(2) All state license applications must be made on or before January 31 of the year for which the license is desired as provided in RCW 70.77.325.

(3) All facilities and structures used for manufacturing, wholesaling, and storage of fireworks are subject to this chapter and all local ordinances relating to building, design, construction, location, and zoning.

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

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-065, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapter 70.77 RCW. WSR 88-08-027 (Order FPS 88-01), § 212-17-065, filed 3/31/88. Statutory Authority: RCW 70.77.250. WSR 84-23-009 (Order FM 84-05), § 212-17-065, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-065, filed 11/2/82.]

WAC 212-17-070 Fireworks licensing. (1) Upon receipt of application and license fee, the state fire marshal will cause an investigation to be made. The state fire marshal will grant or deny a license application within ninety days following the receipt of a properly submitted or amended application.

(a) If the investigation discloses compliance with state laws governing the manufacture, import, or wholesale of fireworks and that granting of a license would not be contrary to public safety or welfare, a license will be granted.

(b) If the license is denied, then the applicant will be notified in writing of the reason why the license was denied, and will:

(i) Be given an opportunity to make such alterations and corrections as are deemed necessary.

(ii) Have the right to request a hearing as provided in RCW 70.77.370 and this chapter.

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

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-070, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapter 70.77 RCW. WSR 88-08-027 (Order FPS 88-01), § 212-17-070, filed 3/31/88. Statutory Authority: RCW 70.77.250. WSR 84-23-009 (Order FM 84-05), § 212-17-070, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-070, filed 11/2/82.]

WAC 212-17-080 Fireworks license limitations. (1) Manufacturer:

(a) A fireworks manufacturer license, together with a permit from local authorities having jurisdiction, authorizes the holder to engage only in the business of manufacturing fireworks of all types and their sale and transportation to licensed wholesalers in Washington.

(b) If the manufacturer desires to engage in other types of fireworks business, the manufacturer must first procure the necessary license.

(c) By virtue of its license, a licensed fireworks manufacturer is permitted to sell fireworks for direct shipment out of this state. Such shipment must be made in accordance with transportation requirements.

(2) Importer:

(a) A fireworks importer's license authorizes the holder to import fireworks into this state. This authorization is limited to:

(i) Procurement, delivery, or receipt of firework shipments into the state;

(ii) Buying or contracting of fireworks for shipment into the state;

(iii) An enrolled tribal member importing fireworks into the state for delivery to the registered member's tribal land;

(iv) Transportation of any type of fireworks licensed for and in compliance with 49 C.F.R., Parts 171 through 183;

(v) Storage of all classes and types of fireworks if there are no restrictions or provisions by the local authority having jurisdiction issuing a permit.

(b) An importer's license does not allow for the distribution or selling of fireworks at retail or wholesale.

(3) Wholesaler:

(a) A fireworks wholesaler's license authorizes the holder to engage only in the sale of fireworks at wholesale.

(b) A fireworks wholesaler's licensee can sell fireworks to:

(i) Licensed retailers;

(ii) Holder of a general display license;

(iii) Other licensed wholesalers;

(iv) Religious organizations, private organizations, or adult persons that have a permit issued by the local authority having jurisdiction to purchase specific fireworks items in accordance with WAC 212-17-061.

(c) A licensed fireworks wholesaler is authorized to sell fireworks for direct shipment out of this state, provided that:

(i) Such shipment is made in accordance with transportation requirements; and

(ii) If the purchaser's state requires a permit to purchase, possess, transport, store, distribute, sell, or otherwise deal with fireworks, the purchaser must possess and present the license to the wholesaler for inspection at the time of sale.

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

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-080, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-080, filed 11/2/82.]

WAC 212-17-085 Fireworks records and reports. (1) License holders will maintain written reports on the following information for

each license type for a period of three years, and submit reports for each type of license when requested to do so to the state fire marshal:

(a) Manufacturer: Production, sale, and distribution of fireworks and name of the person to whom such fireworks were sold.

(b) Wholesaler: Imports, purchases, sales, and consumption of fireworks items by kind and class.

(c) Importer: Imports, purchases, sales of fireworks items by kind and class.

(d) All licensees:

(i) Third-party testing documentation to show, that if used properly, compliance of any consumer fireworks they distribute, sell, offer for sale, exchange for consideration, or transfer will work. The third-party testing entity must be approved by the Consumer Product Safety Commission.

(ii) Reports of the location and amount in storage of all class and types of fireworks in their possession at the time records are requested.

(e) License holders will have up to ten business days to submit the requested reports to the state fire marshal unless otherwise specified by the state fire marshal due to report of an injury, accident or other safety issue.

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

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-085, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-085, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. WSR 88-08-027 (Order FPS 88-01), § 212-17-085, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-085, filed 11/2/82.]

WAC 212-17-130 Fireworks restrictions. The storage, transportation, sale, and transfer of ownership by manufacturers of all classes and types of fireworks will be subject to the restrictions and provisions of chapter 70.77 RCW and this chapter.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-130, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-130, filed 11/2/82.]

WAC 212-17-145 Fireworks importing requirements. (1) Any importer whose fireworks have been laboratory tested by the Consumer Product Safety Commission (CPSC) and found not to be in compliance with the standards in 16 C.F.R. Part 1500 and 1507 must notify the state fire marshal within five business days. Notification to the state fire marshal will include:

(a) A copy of the letter of advice and notice of noncompliance from the CPSC that provides the:

(i) Product name, type, and class of firework.

(ii) Requirement(s) the product did not conform to.

(b) Current and proposed storage location of the fireworks.

(2) Upon receiving the notification, the state fire marshal will notify:

(a) The local jurisdiction in which the firework is being stored.

(b) Other state and local agencies that may license or regulate explosives and explosives storage.

(3) The importer will hold such hazardous substance and not distribute it until further notice from CPSC which may be in the form of a "Letter of Advice (LOA)."

(4) Overloaded consumer fireworks described as fireworks, UN0336 1.4G that have a quantity of explosive and/or pyrotechnic composition that exceeds the limits for type of firework will be:

(a) Classified as fireworks, UN0335 1.3G.

(b) Stored in an approved, licensed explosive magazine approved for the storage of UN0335 1.3G fireworks.

(5) The following violations of this section are classified as serious threat to public safety and each day of noncompliance will be considered a separate offense:

(a) Failing to notify the state fire marshal within five business days that imported fireworks sampled and laboratory tested by the CPSC failed to conform to CPSC standards.

(b) Storing fireworks that have been identified as overloaded fireworks in a nonapproved facility.

(6) Notwithstanding the existence or use of any other remedy, any licensed fireworks importer or wholesaler violating this section may have its license suspended or revoked.

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

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-145, filed 11/3/15, effective 1/1/16. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-145, filed 11/2/82.]

PART III—FIREWORKS RETAILER

WAC 212-17-185 Retailer of fireworks—License and permit. (1)

Persons desiring to engage in the business of selling fireworks at retail must:

(a) Secure a license from the state fire marshal.

(b) Obtain a permit from the local governmental officials having jurisdiction.

(2) A license and permit are valid and effective from January 1 of the year in which the application is made and ending January 31 of the following year.

(3) A retailer's license to sell fireworks will not:

(a) Authorize the licensee to engage in any other fireworks activity.

(b) Be used for the purchase of fireworks at wholesale:

(i) If an application for permit of a CFRS facility has not been made in accordance with RCW 70.77.260 for the sale of consumer fireworks to the public; or

(ii) If the intent is for the licensee to use the consumer fireworks for personal use.

(c) Be transferable, except that any license purchased by a licensed wholesaler may have the business or nonprofit group name added in addition to the wholesalers if required by the local authority having jurisdiction issuing the fireworks permit. The wholesaler will need to have a written agreement similar to any other retail license issued through the wholesaler.

(4) If the license is denied, the applicant will be notified in writing of the reason of the denial, and will:

(a) Be given an opportunity to make such alterations and corrections as are deemed necessary.

(b) Have the right to request a hearing as outlined in WAC 212-17-475.

(5) Applications for licenses must include the name of all the wholesaler(s) that consumer fireworks intend to be purchased from.

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

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-185, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-185, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. WSR 98-04-007, § 212-17-185, filed 1/23/98, effective 2/23/98. Statutory Authority: Chapter 70.77 RCW. WSR 88-08-027 (Order FPS 88-01), § 212-17-185, filed 3/31/88. Statutory Authority: RCW 70.77.250. WSR 84-23-009 (Order FM 84-05), § 212-17-185, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-185, filed 11/2/82.]

WAC 212-17-198 Fireworks—List. (1) Retailers are limited to offering for sale or selling only those consumer fireworks which have been approved for sale to the public and appear on the list of approved types of fireworks published annually by the state fire marshal.

(2) Retailers must post prominently at each retail outlet this list of the approved consumer fireworks.

(3) The state fire marshal will provide the list to the retailers when licenses are issued.

(4) Fireworks prohibited under RCW 70.77.401 will not be used or possessed in the state of Washington except as provided in RCW 70.77.311(1).

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

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-198, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-198, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250. WSR 84-23-009 (Order FM 84-05), § 212-17-198, filed 11/9/84.]

WAC 212-17-21504 Retailers—Purchase and sale of fireworks. (1) A retail licensee must purchase only Division 1.4G consumer fireworks, not otherwise prohibited by chapter 70.77 RCW, this chapter, or local ordinance from state-licensed wholesalers.

(2) Sale of consumer fireworks:

(a) Will occur only from a licensed consumer fireworks retail sales (CFRS) facility. Retail sales of fireworks may occur at a non-CFRS facility when:

(i) An inert sample package of the consumer fireworks is displayed for sale inside a fixed place of business and a CFRS facility meeting all of the requirements in this chapter is placed outside of the fixed place of business.

(ii) The fireworks are paid for inside the business, the customer is provided a receipt of purchase after the sales transaction is complete, and the customer shows proof of purchase and takes possession of the firework package at the CFRS facility.

(b) May occur online as presale from a licensed Washington fireworks wholesaler or retailer provided that the fireworks are delivered to fireworks stand where delivery to the consumer will take place at a CFRS facility during the authorized time periods outlined in RCW 70.77.395 and where the sale, possession, and discharge of fireworks are allowed in the jurisdiction.

(i) Any advertisements for sale of fireworks will contain the fireworks license number and expiration date. Advertising the sale of fireworks by unlicensed persons is prohibited.

(ii) The purchase or receipt of fireworks must be through a Washington licensed fireworks wholesaler or retailer.

(3) Holiday related products incidental but related to these products, may be sold in consumer fireworks retail sales facilities.

(4) Failure to comply at any time with the provisions of this section will constitute a violation of chapter 70.77 RCW and may result in:

(a) The temporary suspension of the license or permit;

(b) Immediate revocation of the license or permit for:

(i) A serious health or public safety violation, if the violation poses an immediate risk to any person, the action will become effective immediately. The duration of the revocation will be based upon the action:

(A) Willful, reckless, or malicious acts will cause the license to be revoked for the license year.

(B) Accidental or negligent acts will cause the license to be revoked until the licensee can show measures to correct and prevent further violations have been put in place (i.e., training).

(ii) Information provided to obtain a license or permit is subsequently found to be inaccurate or would have prevented the issuance of a license or permit.

(A) The license will be revoked through the remainder of the license year.

(B) The person, group, or business may be denied a future license.

(c) Surrendering the fireworks license to the state fire marshal.

(d) Surrendering the fireworks permit to the issuing jurisdiction.

(e) Temporary closure of the CFRS facility or storage structure, the seizure or forfeiture of some or all of the fireworks, or other criminal penalties as provided by law.

(5) If the license or permit is suspended or denied, the applicant will:

(a) Be notified in writing of the reason why license was denied;

(b) Be given an opportunity to make such alterations and corrections as are deemed necessary by the state fire marshal;

(c) Have the right to request a hearing as outlined in WAC 212-17-475.

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

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-21504, filed 11/3/15, effective 1/1/16.]

PART IV—CONSUMER FIREWORKS RETAIL SALES FACILITIES (CFRS)

WAC 212-17-21505 CFRS facilities. (1) Consumer fireworks will only be permitted to be sold at retail in any of the following structures:

(a) Temporary, stable structures made from wood, metal, fiberglass, or other material. Any temporary fireworks retail stand greater than four hundred square feet will meet the requirements of a permanent structure, except tents or canopies as defined in the International Fire Code;

(b) Tents, canopies, or structures utilizing temporary membrane material which must be made from fire retardant material or treated with a fire retardant as identified in the International Fire Code. When those requirements are in conflict with other provisions of these rules, the more restrictive provisions will apply;

(c) Permanent or temporary structures over four hundred square feet constructed in accordance with the building code and local ordinances enforced by the authority having jurisdiction;

(d) Trailers or shipping containers may be used as a CFRS facility only if they comply with the requirements of a CFRS facility.

(2) Vehicles, such as vans, buses, motor homes, travel trailers, trucks, and automobiles will not be allowed to operate as a CFRS facility.

(3) A structure must be permitted through the local authority having jurisdiction to operate as a CFRS facility. The local authority having jurisdiction may prescribe rules regarding CFRS facilities, where there are practical difficulties in the way of carrying out the provisions of these sections if the spirit of the rule is complied with, public safety secured and substantial justice done provided that the particulars of such modification must:

(a) Be registered with the state fire marshal and the fireworks license issued will include a notation as to the modification approved.

(b) Be applied to the retail licensee, not the retail sales location or wholesaler.

(4) Any break in licensing will void any approved modifications.

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

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-21505, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-21505, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. WSR 98-04-007, § 212-17-21505, filed 1/23/98, effective 2/23/98.]

WAC 212-17-21509 Location. (1) CFRS facilities will be permitted only in the county shown on the license. If the county needs to be changed, or other corrections made, the license will be surrendered to the state fire marshal and the state fire marshal will issue a new license for the new county. Any corrections written on a license will void the license.

(2) CFRS facilities will only be located at the address for which the permit from the local jurisdiction was approved and placed according to the approved site plan.

(3) Activities or uses subject to this rule will not be limited in location except where such activities or uses are prohibited or controlled by local development regulation, traffic safety or road construction standards.

(4) The CFRS facilities will not be located more than one hundred fifty feet from a private way, fire department access road, public road, street or highway as measured by an approved route around the exterior of the stand.

The minimum requirements for a private way will be determined by the local authority having jurisdiction, but will not exceed the requirements of locally adopted street, road and access standards.

(5) Any two CFRS facilities must be at least one hundred feet apart or will be separated by a road, street or highway not less than thirty feet in width.

(6) CFRS facilities must be located as follows:

(a) The minimum required area surrounding the CFRS facility must be marked or flagged, except that flagging and marking CFRS facility will not block a sidewalk or pedestrian pathway.

(b) Flagging need not exceed twenty feet in any direction.

Minimum Setbacks and Clearances						
	Buildings	Combustibles	Tents	Parking	Stands	Storage
CFRS Facility	20 feet	20 feet	100 feet	20 feet	100 feet	20 feet
	Property Line	Public Road	Motor Vehicle Traffic	Fuel Dispensing Devices	Bulk Fuel	Generator
CFRS Facility	25 feet	20 feet	20 feet	100 feet	300 feet	20 feet

(7) CFRS facilities will not be located closer than:

(a) One hundred feet from any motor vehicle dispensing station, retail propane dispensing station, flammable liquid storage, or combustible liquid storage. Measurements will be taken from the pump, island, or dispensing device above ground tank storage or lids of underground tanks to the CFRS.

(b) Three hundred feet from any bulk storage of flammable or combustible liquid or gas, including bulk plant dispensing areas.

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

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-21509, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-21509, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. WSR 98-04-007, § 212-17-21509, filed 1/23/98, effective 2/23/98.]

WAC 212-17-21511 Signs around the CFRS facility. (1) The minimum areas around the CFRS facility specified in WAC 212-17-21509 will be kept free of accumulation of dry grass, dry brush and combustible debris. No parking will be permitted within this minimum area.

(2) No motor vehicle or trailer may be parked within twenty feet of a CFRS facility except when delivering, loading or unloading fireworks.

(3) Fireworks will not be discharged within three hundred feet of a CFRS facility. Signs reading "NO FIREWORKS DISCHARGE WITHIN 300 FEET" will be in letters at least two inches high, with a principal stroke of not less than one-half inch, on contrasting background, will be conspicuously posted on all four sides of the stand.

(4) No smoking will be allowed within the CFRS facility or within the minimum flagged off area. Signs reading "NO SMOKING WITHIN 25 FEET" will be in letters at least two inches high, with principal stroke of not less than one-half inch, on a contrasting background, will be conspicuously posted on all four sides of the stand.

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

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-21511, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-21511, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. WSR 98-04-007, § 212-17-21511, filed 1/23/98, effective 2/23/98.]

WAC 212-17-21513 CFRS facility electrical and heating. (1) If electrical power is supplied by an extension cord, the size and length of the cord and, the amperage and voltage supplied will be in compliance with the requirements of the current edition of National Electrical Code. The cord must be protected as necessary from "drive-over" and other physical damage.

(2) All heating units must:

(a) Be listed by a recognized testing laboratory; and

(b) Be used in accordance with the listing; and

(c) Have "tip-over" and temperature overheat protection; and

(d) Have sealed type elements (i.e., oil filled or water filled radiator type). Open flame heating devices are prohibited.

(3) Generators which use combustible fuel and which are at least twenty feet from the CFRS facility or the temporary fireworks storage structure will be allowed. Generator fuel will be limited to not more than five gallons and stored at least twenty feet from all CFRS facilities.

(4) Compliance with the National Electrical Code, current edition, will be required for all new, electrical installations, including temporary power drops.

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

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-21513, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-21513, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. WSR 98-04-007, § 212-17-21513, filed 1/23/98, effective 2/23/98.]

WAC 212-17-21515 Operation of CFRS facility. (1) Licensees must familiarize all persons working in a CFRS facility with the provisions of these rules.

(2) Sleeping inside a CFRS facility or an associated temporary fireworks storage facility is prohibited.

(3) The location of the nearest permanently mounted telephone and address of fireworks stand if using electronic means of contacting 911 must be posted inside the CFRS facility and persons working in the facility must be informed of that location.

(4) The local emergency telephone number will be conspicuously posted inside the CFRS facility.

(5) Each CFRS facility will be equipped with at least two approved, pressurized two and one-half gallon water-type fire extinguishers, located so that a maximum distance of travel required to reach an extinguisher from any point does not exceed thirty-five feet.

(6) No open flames nor any type of open flame equipment will be allowed in any CFRS facility.

(7) At least one adult person, eighteen years of age or older will be present at all times in every CFRS facility during the hours of sale to the public and will be responsible for supervision of the CFRS facility and its operation.

(8) No person, other than customers, under the age of sixteen will be allowed within a CFRS facility when it is open to the public.

(9) Fireworks, except for prepackaged assortments, boxes, or similarly packaged containers of more than one item, whether of the same or different kind, must be displayed in a manner which prevents the fireworks from being handled by the public or a customer without the direct intervention of the licensee or his or her representative who will maintain visual contact.

(10) CFRS facilities may be required to be inspected by the state fire marshal and/or the local jurisdiction issuing the permit prior to opening for business and other inspections may occur on other days as warranted but there will be no additional charge for all such inspections.

(11) Fireworks retailers will:

(a) Not knowingly sell fireworks to persons under the age of sixteen.

(b) Have a sign reading "no sale of fireworks to persons under the age of sixteen years. PHOTO ID REQUIRED" in letters at least two inches high, with a principal stroke of not less than one-half inch, on contrasting background, will be conspicuously posted on the front of each CFRS facility.

(c) Require proof of age by means of display of a driver's license or photo identification card showing date of birth issued by a public or private school, state, federal or foreign government. No other forms of identification will be accepted.

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

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-21515, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-21515, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. WSR 98-04-007, § 212-17-21515, filed 1/23/98, effective 2/23/98.]

WAC 212-17-21519 Cleanup. (1) At the end of the legal selling period, all fireworks must remain in the CFRS facility, temporary storage or structure location authorized by the retail permit or another location approved by the local authority having jurisdiction or his or her designee until returned to the suppliers from which they were obtained, or until transferred to an approved location.

(2) Cities and counties may require a clean-up bond, not to exceed five hundred dollars, as a condition of the permit, to ensure the removal of all structures and debris from the site.

(3) In order to obtain return of a clean-up bond, cleanup of debris associated with the retail fireworks activity and the removal of all temporary structures authorized by the license and permit will be completed no later than 11:59 p.m., July 15 for the Fourth of July selling period or no later than 11:59 p.m., January 10 for the New Year's selling season.

(4) Failure of the licensee to comply with subsection (3) of this section will constitute forfeiture of the clean-up bond and the licensee shall be liable for any clean-up costs incurred by the city or county which exceed the amount of the bond.

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

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-21519, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-21519, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. WSR 98-04-007, § 212-17-21519, filed 1/23/98, effective 2/23/98.]

PART V—PYROTECHNIC OPERATOR

WAC 212-17-220 Pyrotechnic operators—General. (1) Pyrotechnic operators are licensed to conduct displays of fireworks and articles pyrotechnic.

(2) No public display license will be issued unless at least one licensed pyrotechnic operator is listed on the application as being responsible for conducting the display.

(3) An operator must be at least twenty-one years old and licensed in accordance with any and all applicable federal, state, and local laws.

(4) Penalties for this section are provided in WAC 212-17-515.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-220, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-220, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-220, filed 11/2/82.]

WAC 212-17-223 Pyrotechnic operator license types. (1) A pyrotechnic operator is prohibited from conducting a public display of fireworks without a general display license under WAC 212-17-250. Each operator does not need a general display license if he or she is shooting displays for a company that has a general display license.

- (2) The license types and displays allowed to be conducted are:
- (a) Pyrotechnic operator license - Conducts an outdoor public display of fireworks following the requirements of NFPA 1123.
 - (b) Proximate display operator license - Conducts a proximate display before a proximate audience following the requirements of NFPA 1126.
 - (c) Flame effects operator license - Conducts a flame special effects following the requirements of NFPA 160.
 - (d) Special effects operator license - Conducts a special effects display used in connection with a television, theatrical, or motion picture production which may or may not be presented before a live audience.
- (3) Penalties for violations of this section are provided in WAC 212-17-515.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-223, filed 11/3/15, effective 1/1/16.]

- WAC 212-17-225 Application for license.** (1) Application for license must be made on forms prepared by the state fire marshal and must be accompanied by the annual license fee.
- (2) Every applicant for a pyrotechnic operators license must:
- (a) Take and pass a written examination administered by the state fire marshal or the equivalent out-of-state exam;
 - (b) Submit evidence attesting to the qualifications and experience of the applicant, including participation in the firing of at least six public displays as an assistant, at least one of which must have been in the current or preceding year, for the type of operator's license they are applying for; and
 - (c) A name and date of birth background check through the Washington state patrol criminal records division. Costs for the name and date of birth check will be the responsibility of the applicant. A name and date of birth check is not required if:
 - (i) The person has a valid ATF explosives license; or
 - (ii) They are employed or contracted to supervise a display for a general display licensee that has an ATF explosives license and the applicant is listed as an approved employee possessor.
- (3) All information submitted regarding the experience must be true and accurate.
- (4) Penalties for violations of this section are provided in WAC 212-17-515.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-225, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapter 70.77 RCW. WSR 88-08-027 (Order FPS 88-01), § 212-17-225, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-225, filed 11/2/82.]

- WAC 212-17-230 Examination, investigation and licensing.** (1) Upon receipt of application and license fee, the state fire marshal will cause an investigation to be made as to the experience and competency of the applicant to conduct and supervise a public or proximate display of fireworks in a safe manner. The investigation will include:

(a) Verification of past experience in assisting in displays with the licensed pyrotechnic operator under whose supervision the applicant assisted for the type of license applying for.

(b) A written examination for the applicant, if experience requirements are satisfactory.

(i) A passing score of at least eighty percent must be attained on the written examination.

(ii) An applicant failing the written examination may reapply within thirty days to retake the examination.

(iii) No reexamination will be taken within thirty days of the previous and no more than two examinations may be taken by the applicant in the same ninety calendar day period.

(iv) License fees are forfeited for any applicant who fails:

(A) To appear for the written examination at the time and location established;

(B) The written examination and does not reapply within thirty days or fails the written examination on the second attempt.

(2) The state fire marshal will grant or deny the license on the basis of the successful completion of the investigation and examination.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-230, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-230, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. WSR 88-08-027 (Order FPS 88-01), § 212-17-230, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-230, filed 11/2/82.]

WAC 212-17-232 License renewals. (1) Renewal of pyrotechnic operator's licenses begins January 2nd of each calendar year for those operator licenses that will expire January 31st. The renewal application must:

(a) Be on forms provided by the state fire marshal.

(b) Provide evidence of experience within the past thirteen months as an operator or assistant as part of at least one display.

(c) Be signed.

(d) Include the annual license fee.

(2) Persons whose operator license is expired longer than the twelve months will be required to submit his or her application as a new applicant.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-232, filed 11/3/15, effective 1/1/16.]

WAC 212-17-235 Pyrotechnic operators—Responsibility. (1) The pyrotechnic operator is responsible for:

(a) Properly setting up the fireworks public display in accordance with the rules and regulations of the state fire marshal.

(b) Determining that all the mortars and set pieces are properly installed and that the proper safety precautions have been taken to ensure the safety of persons and property.

(c) Having charge of all activities directly related to handling, preparing and firing all fireworks at the public display, including fixing lifting charges and quick match as needed to aerial shells.

(d) Refusing to fire any fireworks that are deemed by him/her to be unsafe or where its discharge might jeopardize life or property.

(e) Strictly observing the provisions of chapter 70.77 RCW and this chapter.

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

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-235, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-235, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. WSR 88-08-027 (Order FPS 88-01), § 212-17-235, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-235, filed 11/2/82.]

PART VI—PUBLIC DISPLAY LICENSE

WAC 212-17-250 Application, state license. (1) Application for a general display license must be made on forms provided by the state fire marshal.

(2) The application for a general display license to hold public displays of fireworks will be accompanied by:

(a) The prescribed license fee for a general display license; and

(b) A surety bond or a certificate evidencing public liability insurance required under chapter 70.77 RCW. Such bond and public liability insurance must be noncancellable except upon fifteen days' written notice by the insurer to the state fire marshal as required under RCW 70.77.355.

(3) Failing to submit the license fee, a bond or certificate of liability insurance will be reason to deny a license application.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-250, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-250, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. WSR 88-08-027 (Order FPS 88-01), § 212-17-250, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-250, filed 11/2/82.]

WAC 212-17-260 General display license. (1) Persons desiring to hold a public display of fireworks will secure a general display license from the state fire marshal.

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

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-260, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-260, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. WSR 88-08-027 (Order FPS 88-01), § 212-17-260, filed 3/31/88. Statutory Authority: RCW

70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-260, filed 11/2/82.]

WAC 212-17-270 Local permit, application for. (1) A permit issued by the authority having jurisdiction is required before conducting any type of public fireworks display.

(2) Application for local permit must be made at least ten calendar days before the public fireworks display.

(3) When applying for permit, the applicant must submit information and evidence to local fire authorities covering the following:

(a) The name of the organization sponsoring the display, if other than the applicant.

(b) The date the display is to be held.

(c) The exact location for the display.

(d) The name and license number of the pyrotechnic operator who is to supervise discharge of the fireworks and the name of at least one experienced assistant.

(e) The number of set pieces, shells (specify single or multiple break), and other items.

(f) The manner and place of storage of such fireworks prior to the display.

(g) A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways, and other lines of communication, the lines behind which the audience will be restrained, the location of all nearby trees, telegraph or telephone lines, or other overhead obstruction.

(h) Documentary proof of procurement of:

(i) Surety bond;

(ii) Public liability insurance; or

(iii) A state fire marshal's general display license for the public display of fireworks.

(4) Permittee will be responsible for compliance with the provisions under which a public display permit has been granted.

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

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-270, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-270, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. WSR 88-08-027 (Order FPS 88-01), § 212-17-270, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-270, filed 11/2/82.]

WAC 212-17-275 Investigation. The authority having jurisdiction to whom the application for permit is made must:

(1) Make, or cause to be made, investigation of site of the proposed display for the purpose of determining if the fireworks will be of such a character or so located as to be hazardous to property or dangerous to any person.

(2) Determine whether the provisions of chapter 70.77 RCW and this chapter are complied with in the case of a particular display.

(3) In the exercise of reasonable discretion, grant or deny the application subject to reasonable conditions, if any, as he may pre-

scribe, taking into account locations, parking of vehicles, controlling spectators, storage and firing fireworks, and precautions in general against danger to life and property from fire, explosion, and panic.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-275, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-275, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-275, filed 11/2/82.]

WAC 212-17-280 Permits may not be granted, when. No public display of fireworks will be allowed where the discharge, failure to fire, faulty firing, or fallout of any fireworks or other objects would endanger persons, buildings, structures, forests, brush, or other grass covered land. This includes, but may not be limited to, when a burn ban is in effect.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-280, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-280, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-280, filed 11/2/82.]

PART VII—PUBLIC DISPLAYS

WAC 212-17-295 General. (1) The intent of this part is to provide requirements for clearances upon which the authority having jurisdiction will base its approval of an outdoor fireworks display site.

(2) Where added safety precautions have been taken, or particularly favorable conditions exist, the authority having jurisdiction will be permitted to decrease the required separation distances as it deems appropriate, upon demonstration that the hazard has been reduced or the risk has been properly protected.

(3) Where unusual or safety-threatening conditions exist, the authority having jurisdiction will be permitted to increase the required separation distances as it deems necessary.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-295, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 06-12-010, § 212-17-295, filed 5/26/06, effective 6/26/06; WSR 05-12-033, § 212-17-295, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-295, filed 11/2/82.]

WAC 212-17-345 Public display—Reports. (1) After every public display, it will be the responsibility of the licensed pyrotechnic operator in charge of the display to submit a written report to the state fire marshal, within ten days following the display, covering:

(a) A brief report of any duds, defective shells, with manufacturer's name, and the type and size of shell.

(b) A brief account of the cause of injury to any person(s) from fireworks and such person's name and address.

(c) A brief account of any fires caused by fireworks.

(d) Any violation of the state fireworks law or of these regulations relating to public display fireworks, with special observations on any irregularities on the part of persons present at the firing site.

(e) The names of pyrotechnic assistants who satisfactorily assisted in all phases of the display, if other than those shown on the license.

(2) Failure to file this report will constitute grounds for revocation of the operator's current license and/or rejection of his application for his license renewal.

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

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-345, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-345, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. WSR 88-08-027 (Order FPS 88-01), § 212-17-345, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. WSR 82-22-068 (Order FM 82-10), § 212-17-345, filed 11/2/82.]

PART VIII—TRANSPORTATION

WAC 212-17-425 Transportation—General. (1) Licensees are authorized to transport the class and quantity of fireworks for which they have a license to possess from the point of acceptance from a licensed source to an approved storage facility or use site.

(2) Transportation will be in accordance with the regulations of the United States Department of Transportation and the laws of the state of Washington governing the transportation of Division 1.3G and 1.4G explosives.

(3) Nothing in these rules will restrict the right of any person to transport in a private vehicle, fireworks which have been legally purchased for personal use.

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

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-425, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-425, filed 5/24/05, effective 6/24/05.]

WAC 212-17-430 Transportation—By common carrier. (1) No common carrier, as defined in RCW 81.29.010, will deliver fireworks from an out-of-state shipper to any person or firm within this state without first determining:

(a) That the person or firm possesses an importer's license, issued by the state fire marshal to receive them; or

(b) The shipper has an importer's license, issued by the state fire marshal to ship them into this state.

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

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-430, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-430, filed 5/24/05, effective 6/24/05.]

PART IX—STORAGE

WAC 212-17-435 Storage—General. (1) Storage of fireworks must be free from any condition which increases or may cause an increase of the hazard or menace of fire or explosion or which may obstruct, delay or hinder, or may become the cause of any obstruction, delay or hindrance, to the prevention or extinguishment of fire.

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

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-435, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-435, filed 5/24/05, effective 6/24/05.]

WAC 212-17-440 Storage—Explosive safety. (1) Any person storing fireworks must have a license for the possession (manufacturer, wholesaler, importer, retailer, display) and, in addition, a permit from the authority having jurisdiction for the storage site.

(2) If temporary storage is required outside the authority having jurisdiction issuing the CFRS permit, the authority issuing the permit must notify the appropriate authorities of the jurisdiction in which the temporary storage is to be located.

(3) Storage must be in accordance with requirements of the local authority having jurisdiction in approving the storage permit.

(4) No common carrier will store fireworks while in transit within a facility with the intent to store it there without first obtaining a storage permit from the local fire authority.

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

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-440, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-440, filed 5/24/05, effective 6/24/05.]

WAC 212-17-442 Fireworks permanent storage. (1) Permanent fireworks storage is:

(a) Subject to this chapter when the period of time of storage is other than, or longer than that specified for temporary storage under WAC 212-17-446.

(b) Subject to the International Fire Code, the International Building Code, and local ordinances.

(2) Storage of fireworks in a facility, not authorized by the license and permit is prohibited.

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

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-442, filed 11/3/15, effective 1/1/16.]

WAC 212-17-446 Temporary storage associated with CFRS operation.

(1) Temporary storage associated with retail fireworks sales meeting the requirements of this section may only be from June 13th through July 31st and from December 12th through January 10th of the following year.

(2) A temporary storage, structure or location must be authorized as a part of a license and permit and meet the requirements specified herein.

(3) Temporary storage or temporary structures may be inspected prior to use and other inspections may occur on other days as warranted. There will be no additional charge for all such inspections.

(4) Fireworks may be stored:

(a) In a locked or secured CFRS facility; or

(b) In a locked or secured truck, container, trailer, other vehicle or anything similar which is not less than twenty feet from the CFRS facility during hours of retail sales;

(c) In a locked or secured truck, container, trailer, other vehicle or anything similar which is not less than twenty feet from an inhabited building;

(d) In a magazine which meets the minimum standards of Type 4 as prescribed by the International Fire Code, and which is not less than ten feet from an inhabited building; or

(e) In a locked or secured metal or wooden garage, shed, barn or other accessory structure, or anything similar which is not less than:

(i) Twenty feet from an inhabited building for storage of fireworks for one or two retail stands; or

(ii) Thirty feet from an inhabited building for storage of fireworks for three or more stands.

(5) For the purpose of this section the system used to lock or secure the storage structure as outlined under subsection (4)(e) of this section, must include one of the following combinations:

(a) Two mortise locks;

(b) Two padlocks in separate hasps and staples;

(c) A mortise lock and a padlock;

(d) A mortise lock that needs two keys to be opened; or

(e) A three-point lock or an equivalent lock that secures the door to the frame at more than one point.

(6) Padlocks must:

(a) Be made of steel;

(b) Have at least five tumblers;

(c) Have at least a 3/8 inch (9.5 mm) casehardened shackle;

(d) Be protected by steel hoods installed to discourage the insertion of bolt cutters.

(7) The local authority having jurisdiction may reduce the minimum separation requirements of this section provided that safety of life and property is not diminished.

(8) No open flames nor any type of open flame equipment will be allowed in any temporary storage or temporary structure.

(9) No cooking is permitted in a CFRS facility or in a temporary storage or structure.

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

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-446, filed 11/3/15, effective 1/1/16.]

PART X—FINES AND PENALTIES

WAC 212-17-460 General rules. (1) These rules establish civil penalty criteria for violations of chapter 70.77 RCW and this chapter.

(2) Each separate instance of noncompliance with chapters 70.77 RCW and/or 212-17 WAC will be considered a separate violation.

(3) For the purpose of determining separate instances, the state of the product at the time of violation can be considered. For example:

(a) An unopened box containing multiple items/packs that are in violation would be considered one violation.

(b) Possession of an open or partial box or multiple individual items in violation would be considered multiple separate violations based on the number of items in violation.

(4) Each day that a violation continues will be considered a separate violation.

(5) The distribution, sale, use, manufacture, or possession of any amount of illegal fireworks is prohibited and subject to citation and penalty.

(6) In addition to the issuance of citations and penalties under these rules, the state fire marshal and local authority having jurisdiction acting in accordance with chapters 70.77 RCW and/or 212-17 WAC may confiscate:

(a) Any amount of illegal fireworks; and

(b) Other fireworks possessed by persons violating chapters 70.77 RCW and/or 212-17 WAC.

(7) In addition to the issuance of citations, penalties, and the confiscation of fireworks, the state fire marshal may also revoke, suspend, or deny any fireworks license provided for under chapter 70.77 RCW to any person who fails to pay a penalty(ies) assessed under these rules.

(8) The penalty for each violation shall range from \$0 to \$1,000 per violation.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-460, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-460, filed 5/24/05, effective 6/24/05.]

WAC 212-17-461 Revocation of license. The state fire marshal may deny, suspend, or revoke a license:

(1) Upon receiving evidence that any appointee has failed to comply or no longer complies with any requirement or provision of law or this chapter. The following process must be used:

(a) The state fire marshal must give the licensee notice of the action and an opportunity to be heard as prescribed in chapter 34.05 RCW, before denial, suspension, or revocation of the license.

(b) Upon receiving notice of the action, the licensee may, within twenty days from the date of the notice of action, request in writing to the state fire marshal a hearing on the denial, suspension, or revocation of the letter of appointment. An adjudicative proceeding will be commenced within ninety days of the receipt of a hearing request. Failure to request a hearing, or failure to appear at a requested hearing, a prehearing conference, or any other stage of an adjudicative proceeding, will constitute default and may result in the entry of a final order under RCW 34.05.440.

(c) Upon receiving a hearing request, the state fire marshal's office may, at the request of the licensee, or on its own initiative, schedule an informal settlement conference which will be without prejudice to the rights of the parties. The informal settlement conference will be held in a mutually agreed upon location at a mutually agreed upon time and may result in a settlement agreement. If no agreement is reached, a hearing will be scheduled as provided in chapter 34.05 RCW.

(2) Without prior notification if the state fire marshal finds that there is danger to the public health, safety, or welfare which requires immediate action. In every summary suspension of a license, an order signed by the state fire marshal or designee must be entered, in compliance with the provisions of RCW 34.05.479. Administrative proceedings consistent with chapter 34.05 RCW for revocation or other action shall be promptly instituted and determined. The state fire marshal must give notice as is practicable to the licensee.

(3) Immediately if the licensee's insurance bond is canceled.

(4) If the licensee voluntarily relinquishes the letter, the state fire marshal will be advised in writing of this voluntary relinquishment. After receiving notice, the state fire marshal will attempt to obtain the licensee's license. If the licensee requests reissuance of the license, the state fire marshal may require a new application.

(5) If the licensee's violations are subject to suspension for the first violation are categorized as major violations any subsequent or continuing major violation may be cause for termination unless the state fire marshal imposes additional suspensions for longer periods, if deemed appropriate.

(a) When considering punitive action for a major violation, the state fire marshal may take into consideration all major and minor violations that occurred within thirty-six months before the date of the current violation.

(b) Terms of disciplinary action - Minor violations of this chapter may be cause for disciplinary action in the following manner:

(i) First violation within a twelve-month period - Letter of written reprimand;

(ii) Second violation within a twelve-month period - Thirty-day suspension;

(iii) Third violation within a twelve-month period - Sixty-day suspension;

(iv) Fourth violation within a twelve-month period - Revocation of the license.

(c) The state fire marshal may increase or decrease the suspension period based on finding aggravating or mitigating factors as provided in WAC 212-17-465.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-461, filed 11/3/15, effective 1/1/16.]

WAC 212-17-465 Violation types and penalty assessments. (1) The state fire marshal may impose a different penalty than the standard penalties outlined in WAC 212-17-515 based on the following mitigating or aggravating circumstances:

(a) Mitigating circumstances are those that may result in fewer days of suspension or a lower monetary penalty assessed. A licensee may demonstrate by implementation of safety or business policies or practices that reduce the risk of future violations. Examples include, but are not limited to:

(i) Having a signed acknowledgment of the practice on file for each employee;

(ii) Having an employee training plan that includes annual training on fireworks laws.

(b) Aggravating circumstances are those that will result in increased days of suspension, increased monetary penalties, or revocation of a fireworks license. Examples include, but are not limited to:

(i) Business operations or behaviors that create an increased risk for a violation;

(ii) Repeated importation of fireworks that do not meet the standards when inspected by the U.S. Consumer Product Safety Commission;

(iii) Intentional commission of a violation;

(iv) Disregard for the safety of others that may or may not have resulted in an actual injury; or

(v) Repeated offenses where citations have been issued for the same violation during a given time period.

(c) In addition to the examples in (a) and (b) of this subsection, the state fire marshal will provide and maintain a list of business practices for reference as examples where business policies or practices may constitute mitigating or aggravating circumstances. This list will not be all inclusive for determining mitigating or aggravating circumstances, and may be modified by the state fire marshal. The list will be accessible to all stakeholders and the general public via the internet.

(2) The state fire marshal may offer a monetary option in lieu of suspension based on mitigating circumstances during a settlement conference as outlined in this chapter.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-465, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-465, filed 5/24/05, effective 6/24/05.]

WAC 212-17-470 Violation assessment at the local level. (1) Local fire authorities will have the authority to issue civil penalty citations for violations of chapters 70.77 RCW and/or 212-17 WAC.

(2) A citation may impose a penalty or provide a warning.

(3) After issuing the citation notice, the citation will be forwarded to the state fire marshal within ten days of issuance. Each citation will be accompanied by a copy of the issuing authority's writ-

ten report, inspection sheets, evidence receipt, or any other forms that are completed during the process of issuing citations.

(4) The state fire marshal will review the information contained in the citation and any accompanying documentation.

(5) If the evidence exists that a violation occurred, the state fire marshal will issue an administrative violation notice which will include:

- (a) A brief narrative description of the charged violation(s);
 - (b) The date(s) of the violation(s);
 - (c) A copy of the law(s) or regulation(s) allegedly violated;
 - (d) A summary of the licensee's or permit holder's options as outlined in this chapter; and
 - (e) The penalty.
- (6) The civil penalty will be delivered using registered mail.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-470, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-470, filed 5/24/05, effective 6/24/05.]

WAC 212-17-475 Hearings for civil penalties. (1) Any person may request a hearing regarding the assessment of a civil penalty.

(2) Hearings requests will be filed with the office of the state fire marshal within fourteen days from the date of the service of civil penalty.

(3) Any person who requests a hearing will be entitled to a hearing.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-475, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-475, filed 5/24/05, effective 6/24/05.]

WAC 212-17-480 Informal conference. (1) The state fire marshal will provide an opportunity for a person to informally discuss a civil penalty that has been assessed against them.

(2) An informal conference may be requested prior to a request for a formal hearing; however, a formal hearing must be requested within twenty-eight days of the date of service of the notice of civil penalty.

(3) The request for an informal conference may be in any form and must:

- (a) Be addressed to the office of the state fire marshal; and
- (b) Clearly state the subject to be discussed.
- (c) Be requested within fourteen days.
- (d) If the parties agree, an informal conference may be held by telephone.
- (e) As the result of an informal conference, the state fire marshal may, for good cause, amend, withdraw, or reduce a civil penalty.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-480, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-480, filed 5/24/05, effective 6/24/05.]

WAC 212-17-485 Formal hearing. (1) A person may request a formal hearing at any time before or after an informal conference, as long as the twenty-eight day period for requesting a hearing has not lapsed.

(2) The office of the state fire marshal will arrange for a hearings officer to conduct the formal hearing through the office of administrative hearings.

(3) The office of administrative hearings will set a date, time, and location for the formal hearing.

(4) The office of administrative hearings will notify, by letter, the person requesting the hearing (or their designated representative) of the date, time, location and the hearings officer conducting the formal hearing.

(5) The hearings officer will hear the case and render a proposed opinion and order including recommended findings of fact and conclusions of law, according to chapter 34.05 RCW.

(6) The formal hearing will be conducted as follows:

(a) The hearings officer will act as an impartial third party.

(b) It is not necessary for the person that requested the hearing to be represented by legal council.

(c) Testimony will be taken under oath.

(d) All evidence of a type commonly relied upon by a reasonably prudent person in the conduct of their serious affairs is admissible.

(e) Hearsay evidence is admissible if it meets statutory standards for being reliable and trustworthy.

(7) The proposed opinion and order will be reviewed by the state fire marshal and, if accepted, finalized and issued as a final order.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-485, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-485, filed 5/24/05, effective 6/24/05.]

WAC 212-17-490 Penalty adjustment. (1) The assessment of penalty adjustments for amounts other than those set by chapter 70.77 RCW will be done only by the state fire marshal through a hearings process either formally or informally.

(2) The assessment of penalties for not being in conformance with chapters 70.77 RCW and/or 212-17 WAC may be made only after considering:

(a) The gravity and magnitude of the violation;

(b) The person's previous record;

(c) Such other considerations as the state fire marshal may consider appropriate.

(3) During a formal hearing or informal conference, the state fire marshal may modify or adjust the citation, cited violations, or penalties assessed in order to meet the requirements of these rules and to ensure uniformity and consistency in their application statewide.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-490, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-490, filed 5/24/05, effective 6/24/05.]

WAC 212-17-495 Payment of civil penalty. (1) The penalty must be paid to the state fire marshal immediately after an order assessing a civil penalty becomes final by operation of law or on an appeal.

(2) The attorney general may bring an action in the name of the Washington state patrol, through the state fire marshal, in the superior court of Thurston County or of any county in which the violator may do business to collect any penalty imposed under chapter 70.77 RCW.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-495, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-495, filed 5/24/05, effective 6/24/05.]

WAC 212-17-515 Violation/penalty matrix.

WAC - Literal	Description	1st violation	2nd offense or aggravating factors to increase penalty		3rd offense or aggravating factors to increase penalty	
212-17-045 (2) and (3)	Possession of an EPCD without a written management plan.	Warning to \$250	\$500		\$1,000	
212-17-045(4)	Improper use of EPCD during a burn ban period.	Warning to \$500	\$750	Used during a burn ban period or increased fire danger in the area where the device was used. Fire caused by item that results in a minor injury or property damage (under \$25,000).	\$1,000	Used during a burn ban period or increased fire danger in the area where the device was used. Fire caused by item that results in a permanent injury, loss of life or major property damage (excess of \$25,000).
212-17-045(5)	Use of EPCD that threatens to injure or kill wildlife or persons.	Warning to \$500	\$750	Injury occurs to wildlife or persons.	\$1,000	Wildlife or person killed by use of the EPCD.
212-17-050 (1) and (2)	Importing, manufacturing, selling or possessing a firework with prohibited components, devices or chemicals.	\$25 per item or \$250 whichever is greater.	\$50 per item or \$500 whichever is greater.		\$100 per item or \$1,000 whichever is greater.	Attempt is made to disguise the item as another product that does not contain prohibited chemicals.
212-17-050 (2)(c)(iii)	Failing to segregate similar devices from inventory of products that can be sold or used until the laboratory test results are known.	\$25 per item or \$250 whichever is greater.	\$50 per item or \$500 whichever is greater.		\$100 per item or \$1,000 whichever is greater.	
212-17-053(2)	Possess, purchase or discharge dangerous fireworks.	\$25 per item or \$250 whichever is greater.	\$50 per item or \$500 whichever is greater.		\$100 per item or \$1,000 whichever is greater.	
212-17-053(2)	Offering for sale, storage or manufacturing a dangerous firework.	\$50 per item or \$500 whichever is greater.	\$75 per item or \$750 whichever is greater.		\$100 per item or \$1,000 whichever is greater.	
212-17-053	Altering a firework without a pyrotechnic license.	\$250	\$500	Conducting a fireworks display for hire.	\$1,000	Selling altered fireworks.

WAC - Literal	Description	1st violation	2nd offense or aggravating factors to increase penalty		3rd offense or aggravating factors to increase penalty	
212-17-055 (2)(c)(iii)(B)	Importing or manufacturing any firework device without receiving an approval from the U.S. DOT per 49 C.F.R. Part 173.56(b).	\$25 per item or \$250 whichever is greater.	\$50 per item or \$500 whichever is greater.		\$100 per item or \$1,000 whichever is greater.	
212-17-055(2)	Importing or manufacturing a firework without the required labeling.	\$25 per item or \$250 whichever is greater.	\$50 per item or \$500 whichever is greater.		\$100 per item or \$1,000 whichever is greater.	
212-17-060(1)	Purchase or use of fireworks outside of time period or from an unlicensed stand.	\$25 per item or \$250 whichever is greater.	\$50 per item or \$500 whichever is greater.		\$100 per item or \$1,000 whichever is greater.	If a permit application was denied for under 212-17-060 (2)(i) and (ii).
212-17-065(1)	Fail to obtain a license or permit to manufacture, import and wholesale consumer fireworks. (Includes hobbyist or personal use.)	Warning to \$25 per item or \$250 whichever is greater.	\$50 per item or \$500 whichever is greater.		\$100 per item or \$1,000 whichever is greater.	
212-17-065(1)	Fail to obtain a license or permit to manufacture, import and wholesale fireworks. (Commercial use.)	Warning to \$50 per item or \$500 whichever is greater.	\$75 per item or \$750 whichever is greater.	Aware of license and permit requirements as a previous license and permit holder.	\$100 per item or \$1,000 whichever is greater.	Permit application for activity submitted and denied.
212-17-070	Manufacturing, importing, and wholesaling fireworks after an application has been denied.	Warning to \$100 per item or \$1,000 whichever is greater.	\$100 per item or \$1,000 whichever is greater.		\$100 per item or \$1,000 whichever is greater.	
212-17-080	Violation of license limitations.	Warning to \$25 per item or \$250 whichever is greater.	\$50 per item or \$500 whichever is greater.		\$100 per item or \$1,000 whichever is greater.	
212-17-085(1)	Fail to keep records for the required 3 year period.	Warning to \$50 per missing record or \$500 whichever is greater.	\$75 per missing record or \$750 whichever is greater.		\$100 per missing record or \$1,000 whichever is greater.	
212-17-085(1)	Fail to produce records and reports when requested .	Warning to \$50 per missing record or \$500 whichever is greater.	\$75 per missing record or \$750 whichever is greater.	Fail to comply after 96 hours from close of business that documents were to be provided.	\$100 per missing record or \$1,000 whichever is greater.	Fail to comply after 96 hours from close of business that documents were to be provided.
212-17-145(1)	Failing to notify the state fire marshal within 5 days of receiving notice from the CPSC that fireworks imported by the licensee have been laboratory tested and failed to meet the CPSC requirements for consumer fireworks.	Warning to \$25 per item or \$250 whichever is greater.	\$50 per item or \$500 whichever is greater.	Two products imported at the same time failed to CPSC standards.	\$100 per item or \$1,000 whichever is greater.	More than three products imported at the same time failed to CPSC standards.

WAC - Literal	Description	1st violation	2nd offense or aggravating factors to increase penalty		3rd offense or aggravating factors to increase penalty	
212-17-145(4)	Storing imported fireworks that are overloaded (laboratory tested by the CPSC) in a nonapproved facility.	Warning to \$50 per item or \$500 whichever is greater.	\$75 per item or \$750 whichever is greater.		\$100 per item or \$1,000 whichever is greater.	
212-17-185 (1)(a)	Conducting retail sales of fireworks without a license.	Warning to \$250	\$500	Aware of license and permit requirements as a previous license and permit holder.	\$1,000	Permit application for activity submitted and denied.
212-17-185 (1)(b)	Conducting retail sales of fireworks without a permit issued from the local jurisdiction having authority.	Warning to \$250	\$500	Fireworks license issued but no permit.	\$1,000	Permit application for activity submitted and denied.
212-17-185 (3)(b)	Obtaining a license only to purchase fireworks at wholesaler for personal use.	Warning to \$250	\$500	Fireworks license issued but no permit.	\$1,000	Permit application for activity submitted and denied.
212-17-198(1)	Selling or offering for sale of unapproved consumer fireworks to the public.	Warning to \$50 per item or \$500 whichever is greater.	\$75 per item or \$750 whichever is greater.		\$100 per item or \$1,000 whichever is greater.	
212-17-198(2)	Retail sales licensee failing to display the list of approved consumer fireworks.	Warning to \$250	\$500		\$1,000	
212-17-198(4)	Possession of prohibited fireworks (rockets, firecrackers, missiles, salutes or chasers).	Warning to \$25 per item or \$250 whichever is greater.	\$50 per item or \$500 whichever is greater.	Net explosive weight of prohibited firework in excess of 10 gross pounds.	\$150 per item or \$1,000 whichever is greater.	Net explosive weight of prohibited firework in excess of 25 gross pounds.
212-17-198(4)	Use of prohibited fireworks (missiles, rockets, firecrackers, salutes or chasers).	Warning to \$25 per item or \$250 whichever is greater.	\$50 per item or \$500 whichever is greater.	Fire caused by item that results in an injury requiring treatment on-site or property damage (under \$25,000).	\$150 per item or \$1,000 whichever is greater.	Fire caused by item that results in an injury requiring treatment at a hospital, loss of life or major property damage (excess of \$25,000).
212-17-21504(1)	Retailer purchasing any consumer fireworks from a nonlicensed wholesaler.	Warning to \$25 per item or \$250 whichever is greater.	\$50 per item or \$500 whichever is greater.		\$100 per item or \$1,000 whichever is greater.	
212-17-21504(2)	Retailer selling or delivering fireworks from location other than in a manner authorized.	Warning to \$25 per item or \$250 whichever is greater.	\$50 per item or \$500 whichever is greater.		\$100 per item or \$1,000 whichever is greater.	
212-17-21504 (2)(b)(i)	Advertisement violation.	Warning to \$25 per item or \$250 whichever is greater.	\$50 per item or \$500 whichever is greater.	Aware of license and permit requirements as a previous license and permit holder.	\$100 per item or \$1,000 whichever is greater.	License or permit application for activity submitted and denied.
212-17-21504 (2)(b)(ii)	Purchase of consumer fireworks from unlicensed wholesaler in Washington.	Warning to \$25 per item or \$250 whichever is greater.	\$50 per item or \$500 whichever is greater.	Fireworks ordered in excess of 125 pounds gross net explosive weight.	\$100 per item or \$1,000 whichever is greater.	Fireworks ordered in excess of 300 pounds of gross net explosive weight.

WAC - Literal	Description	1st violation	2nd offense or aggravating factors to increase penalty		3rd offense or aggravating factors to increase penalty	
212-17-21505	Violation of local permit or rules for CFRS facility requirements.	Warning to \$250	\$500	Aware of license and permit requirements as a previous license and permit holder.	\$1,000	Permit application for activity submitted and denied.
212-17-21505	Conducting retail sales from an unapproved CFRS facility.	Warning to \$500	\$750	Aware of license and permit requirements as a previous license and permit holder.	\$1,000	Permit application for activity submitted and denied.
212-17-21511	Discharge of fireworks within 300 feet of the CFRS facility.	Warning to \$250	\$500		\$1,000	
212-17-21519	Fail to cleanup and remove CFRS facility.	Warning to \$250	\$500		\$1,000	
212-17-220	Unlicensed/ underaged pyrotechnic operator conducting a fireworks display.	Warning to \$250	\$500	Pyrotechnic operator's license expired no more than 6 months (July 31st).	\$1,000	Licensed pyrotechnic operator's information submitted for permit is different than person conducting display.
212-17-223(2)	Conducting a fireworks display without a general display license.	Warning to \$250	\$500	Expired license, aware of license requirements as a previous license holder.	\$1,000	Denied or failed to qualify for the level of pyrotechnic license needed.
212-17-225(3)	Submitting an application for a pyrotechnic operator's license with false or inaccurate information.	Warning to \$500	\$750	Information provided was for a higher level license, i.e., proximate or special effects.	\$1,000	Person is disqualified by the ATF from being a user/ possessor.
212-17-235(1)	Failing to supervise personnel or the handling, preparing and firing of a fireworks display.	Warning to \$250	\$500	Results in an injury requiring treatment on-site or a fire causing property damage (under \$25,000).	\$1,000	Pyrotechnic operator listed on the permit is absent when the display is being setup/inspected. Results in an injury requiring treatment at a hospital, loss of life or a fire causing major property damage (excess of \$25,000).
212-17-260	Conducting a fireworks display without a general display license.	Warning to \$250	\$500	Aware of license requirements as a previous license holder.	\$1,000	Application for a general display license was denied or license was suspended or revoked.
212-17-270(1)	Conducting a fireworks display without obtaining a permit from the local authority having jurisdiction.	Warning to \$500	\$750	Aware of permit requirements as a previous permit holder.	\$1,000	
212-17-270(4)	Public display permittee failed to comply with the provisions of a public display permit.	Warning to \$250	\$500	Display starting later than allowed by permit.	\$1,000	

WAC - Literal	Description	1st violation	2nd offense or aggravating factors to increase penalty		3rd offense or aggravating factors to increase penalty	
212-17-345	Failure to submit a report to the state fire marshal for any public display conducted.	Warning to \$25 per report or \$250 whichever is greater.	\$50 per item or \$500 whichever is greater.	Display had a fire causing an injury requiring treatment on-site or property damage (under \$25,000).	\$1,000	Display had a fire causing an injury requiring treatment at a hospital, loss of life or major property damage (excess of \$25,000).
212-17-425	Carrier delivering fireworks without having the proper license to transport such class and quantity of fireworks.	Warning to \$50 per report or \$500 whichever is greater.	\$75 per item or \$750 whichever is greater.	Fireworks delivery in excess of 125 pounds net weight of explosive, but less than 500 net weight of explosive.	\$100 per item or \$1,000 whichever is greater.	Fireworks delivery in excess of 501 pounds net weight of explosive.
212-17-430	Common carrier delivering fireworks to a person or firm within Washington state without a valid importer's license.	Warning to \$50 per report or \$500 whichever is greater.	\$75 per item or \$750 whichever is greater.	Fireworks delivery in excess of 125 pounds net weight of explosive, but less than 500 net weight of explosive.	\$100 per item or \$1,000 whichever is greater.	Fireworks delivery in excess of 501 pounds net weight of explosive.
212-17-435	Storage of fireworks that present an increased hazard or menace of fire or explosion.	Warning to \$50 per report or \$500 whichever is greater.	\$75 per item or \$750 whichever is greater.	Fireworks storage in excess of 125 pounds net weight of explosive, but less than 500 net weight of explosive.	\$100 per item or \$1,000 whichever is greater.	Fireworks storage in excess of 501 pounds net weight of explosive.
212-17-440	Common carrier storage without a fireworks license or permit.	Warning to \$50 per report or \$500 whichever is greater.	\$75 per item or \$750 whichever is greater.	Fireworks storage in excess of 125 pounds net weight of explosive, but less than 500 net weight of explosive.	\$100 per item or \$1,000 whichever is greater.	Fireworks storage in excess of 501 pounds net weight of explosive.
212-17-442	Permanent storage of any fireworks by a licensed person in an unapproved facility without proper license/ permit/approval.	Warning to \$50 per item or \$500 whichever is greater.	\$75 per item or \$750 whichever is greater.	Aware of license and permit requirements as a previous license and permit holder.	\$100 per item or \$1,000 whichever is greater.	Permit application for storage submitted and denied by local AHJ.
212-17-446 (2) and (4)	No permit for temporary storage or in violation of the requirements.	Warning to \$250.	\$500	Aware of license and permit requirements as a previous license and permit holder.	\$1,000	Permit application for activity submitted and denied.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-515, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-515, filed 5/24/05, effective 6/24/05.]