

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 construction 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

(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 wild-life 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.]