

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.]