



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

OCT 10 2006

Mr. Gregg Smith
Safety Program Manager
American Pyrotechnics Association
7910 Woodmont Avenue, Suite 1220
P.O. Box 30438
Bethesda, MD 20814

Ref. No. 06-0166

Dear Mr. Smith:

This responds to your email sent to Mr. Robert Lynch in the Office of Hazardous Materials Enforcement concerning marking requirements for packages containing Fireworks, UN0336, 1.4G, under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your inquiry has been forwarded to this office for a response.

Specifically, you indicate that the name "Consumer Fireworks" is routinely marked on packages of fireworks. You enclosed a photograph showing a typical marking and ask if this marking is acceptable under the marking requirements of the HMR. The answer is no. The HMR specify that the proper shipping name and identification number marked on a package must be as shown in the § 172.101 Hazardous Materials Table (see § 172.301(a)(1)) and must be located away from any other marking that could reduce its effectiveness (see § 172.304(a)(4)). The marking displayed on the package in the photograph does not satisfy these requirements. "Consumer Fireworks" is not a proper shipping name shown in the § 172.101 Hazardous Materials Table. Further, the additional wording "Consumer" may reduce the clarity of the required marking.



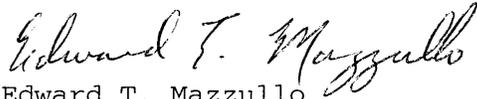
060166

172.101
173.62

It is our recommendation that if your members want to continue using the name "Consumer Fireworks" as a package marking for purposes other than compliance with the HMR, the marking should be located away from the proper shipping name and identification number markings.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Edward T. Mazzullo". The signature is written in dark ink and is positioned above the typed name.

Edward T. Mazzullo

Director

Office of Hazardous Materials Standards

Stevens, Michael <PHMSA>

From: Lynch, Robert <PHMSA>
Sent: Friday, June 30, 2006 6:13 AM
To: Stevens, Michael <PHMSA>
Subject: FW: Word Consumer on 1.4G Box's

Importance: High

Attachments: consumer fwks 003.jpg

Stevens
3/73.101
3/73.62
Explosive
06-0166



consumer fwks
003.jpg (60 KB)

Mike,

Have you heard or read anything regarding this issue.

-----Original Message-----

From: gsmith32@adelphia.net [mailto:gsmith32@adelphia.net]
Sent: Thursday, June 29, 2006 4:41 PM
To: Lynch, Robert <PHMSA>
Cc: Julie Heckman
Subject: Word Consumer on 1.4G Box's
Importance: High

Hello Bob,

With all of the DOT inspections going on, I have had several APA members call and say that the DOT inspector said that they must immediately cease shipping box's of 1.4G FIREWORKS UN0336 if they have the word CONSUMER ahead of or in the same line with the word fireworks.

The inspector told them to remove/ cover up the word consumer on each box to be able to ship it!

See the attached picture, there hundreds of thousands of box's just like this for the last 20 years which have been acceptable to DOT in the past.

Out of about 20 inspections this year, I have had 2 calls on this issue. The rest were ok about the word consumer on the box.

Could we please get some guidance or at least your take on this?
If it is incorrect, at least a bye for now and we can work to fix the problem since we really want to make sure it is correct.

Thank You,

--
Gregg Smith
APA Safety Program Manager
Office Tel.# 724-962-4061
Fax # 724-962-1484
gsmith@americanpyro.com

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