



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

OCT 1 1999

Mr. Raymond K. Barwin
5537 37 Mile Rd.
Romeo, Michigan 48065

Ref. No. 99-0197

Dear Mr. Barwin:

This is in response to your letter dated July 9, 1999, concerning the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to fireworks sold and transported for personal, non-commercial use.

Under Federal hazardous materials transportation law (49 U.S.C. 5101 et seq.), the Secretary of Transportation has authority to promulgate regulations to protect the Nation against risks inherent in the transportation of hazardous materials in commerce. The HMR govern the transportation of hazardous materials in interstate, foreign, and intrastate commerce. The transportation of fireworks that are sold to customers for personal, non-commercial use and transported by such persons in their personal vehicles is not subject to the HMR. Although such shipments are not subject to the HMR, they may be subject to certain state or local requirements.

If you need further assistance on the HMR, please feel free to contact us at 1-800-467-4922.

Sincerely,

A handwritten signature in black ink that reads "Thomas G. Allan". The signature is written in a cursive style.

Thomas G. Allan
Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards

Mr. Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards

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8171.1
99-0197

US DOT/RSPA (DHM10)

July 9, 1999

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

Dear Mr. Mazzullo:

I am sending you a copy of a letter sent by you, to a Mr. John A. Conkling, on June 8, 1993, in which you state that fireworks that are sold to customers, (or made by hobbyists?) for personal, non-commercial, uses and transported by such persons in their personal vehicles are not subject to the HMR.

I have called your department at 1-202-366-8553 and I was told that this letter is still binding.

Could you please send me:

- (1) An updated letter stating the same, with current date.
- (2) Address the letter to me.
- (3) A phone number at your office or DOT information center, where someone can call to confirm that your letter is real. Most law enforcement officers are not aware of such a law.

Also I have been told that as of October 1, 1998 all states must comply with the DOT, HMR, does that mean that the state laws regarding transporting will now be the same as the HMR and if transporting fireworks for non-commercial use the former State laws regarding transportation will not apply?

I do understand that shipments may be subject to certain state or local requirements, like possession permits.

Sincerely,



Raymond K. Barwin
5537 37 Mile Rd.
Romeo Michigan 48065



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Washington D.C. 20590

JUN 8 1993

Mr. John A. Conkling
Executive Director
American Pyrotechnics Association
P.O. Box 213
Chestertown, MD 21620

Dear Mr. Conkling:

This is in response to your letter dated April 2, 1993, concerning the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to fireworks sold and transported for personal, non-commercial use.

Under the authority of the Hazardous Materials Transportation Act (HMTA), the Secretary of Transportation has authority to promulgate regulations to protect the Nation against risks inherent in the transportation of hazardous materials in commerce. The regulations promulgated under the HMTA, the HMR, govern the transportation of hazardous materials in interstate, foreign, and certain intrastate commercial movements. See enclosed pamphlet. Therefore, fireworks that are sold to customers for personal, non-commercial use and transported by such persons in their personal vehicles are not subject to the HMR. Although such shipments are not subject to the HMR, they may be subject to certain state or local requirements.

If you need further assistance on the HMR, please feel free to contact us.

Sincerely,

for Thomas G. Allan

Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards

Enclosure

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