



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

March 25, 2020

Nick Spatter  
3040 F.M.  
1960 E. Suite 110 PMB 305  
Houston, TX 77073

Reference No. 19-0063

Dear Mr. Spatter:

This letter is in response to your May 13, 2019 email and subsequent phone conversations requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the classification of a “Christmas Cracker” containing 0.6 mg of silver fulminate.

You ask whether your device (“Christmas Cracker”) can be shipped as a novelty under the exceptions permitted for snappers, or as unregulated based on the 1999 approval (EX 1999090040, TN 1032009802) issued by the Pipeline and Hazardous Materials Safety Administration (formally known as the Research and Special Programs Administration, RSPA), which identified the devices as “Not Regulated as an Explosive.”

The answer to your question is yes. Given the description of the device provided and the documentation from RSPA’s 1999 approval, your device does not meet the definition of an explosive when packaged in its retail packaging. Additionally, for informational purposes only, snapper novelty devices that contain up to 1 mg of silver fulminate are considered novelties and are not regulated as an explosive (see March 19, 2015 “Guidance and Criteria for Fireworks Novelty Devices”) when transported by highway, rail, and vessel, but are regulated as a flammable solid, inorganic, n.o.s (UN 3178) when transported by aircraft. Since it was determined that your device does not meet the definition of an explosive, it is not a novelty.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

Shane Kelley  
Director, Standards and Rulemaking Division  
Office of Hazardous Material Safety

Wokote  
19-0063

**January, Ikeya CTR (PHMSA)**

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**From:** INFOCNTR (PHMSA)  
**Sent:** Tuesday, May 14, 2019 3:23 PM  
**To:** Hazmat Interps  
**Subject:** FW: Christmas crackers  
**Attachments:** dot letter 1.pdf; dot letter2.pdf; dot 3.pdf; dot 4.pdf

Hello Alice and Ikeya,

Attached is a request for letter of interpretation with supporting documentation. The contact information is: 3040 F.M. 1960 E. Suite 110 PMB 305 Houston Texas 77073.

Thanks,

Jonathon

**From:** Nick Spatter [mailto:skydream1952@aol.com]  
**Sent:** Monday, May 13, 2019 12:40 PM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Subject:** Christmas crackers

Hello Mr. Kelly,  
Would you please assist me in getting the appropriate ruling and certification to be able to import the Christmas crackers into the United States. Thanking you in advance.If you need to contact me directly my cell number is 281-940-9261  
Best Regards,  
Nick Spatter

**Thank you and Best Regards!**

**Nick Spatter**

[skydream1952@aol.com](mailto:skydream1952@aol.com)

**CHINA DIRECT NUMBER 281-203-8017**

**CHINA MOBILE/WE CHAT I.D. 13507422573**

Mr. Shane Kelly, Director of Standards and Rulemaking  
Standards and Rulemaking Division, Pipeline and Hazardous Material Safety Administration,  
Attn: PHH-10, US Department of Transportation,  
East Building, 1200 New Jersey Avenue, SE,  
Washington, DC 20590-0001

Dear Mr. Kelly,

I am writing your office for a determination that our product identified as "Christmas Cracker" qualifies as not regulated or as a novelty article by PHMSA under the hazardous material regulations.

Christmas crackers have the same chemical composition as snappers (1 mg of silver fulminate) but are functioned using a string vs impact. Christmas Crackers function like party poppers (another establishes novelty) and are activated by friction generated when you pull a string through a chemical composition. It is our opinion that the mechanism that causes the device to functions (a string generating friction or impact) is not the bases for the classification of these devices but the extremely small quantity of chemical composition, which for our device is 1 mg of silver fulminate.

The explosive in the "Christmas Cracker" is protected the same way as the explosive in party poppers, (inside a tube), and will only function when the strings are pulled apart. The "Christmas Cracker" also produces the same effect as a party popper in that they release confetti when activated.

In the past, PHMSA has issued an EX approval for these devices as "not regulated as an explosive" (see attached EX-9909040).

We feel that, based on the following facts that, "Christmas Crackers" should not be regulated as a hazardous material:

- The device contains only one mg of silver fulminate (exempt per APA 87-1, 3.2.1 and 3.2.2.),
- PHMSA has determined in the past that these devices are "as not regulated as an explosive" (EX 9909040),
- The package completely protects the devices when in transportation, and
- Multiple international organizations have issued determinations that these devices should not be considered explosives when inside the "Christmas Cracker" device. See supporting documents for EX application 9909040.

A determination for your office would greatly facilitate transporting these devices to and through the US.

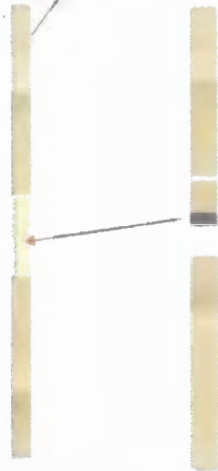
In conclusion, it is our opinion that Christmas crackers are not subject to the regulated as a hazardous material and we ask for your confirmation.

Best Regards,

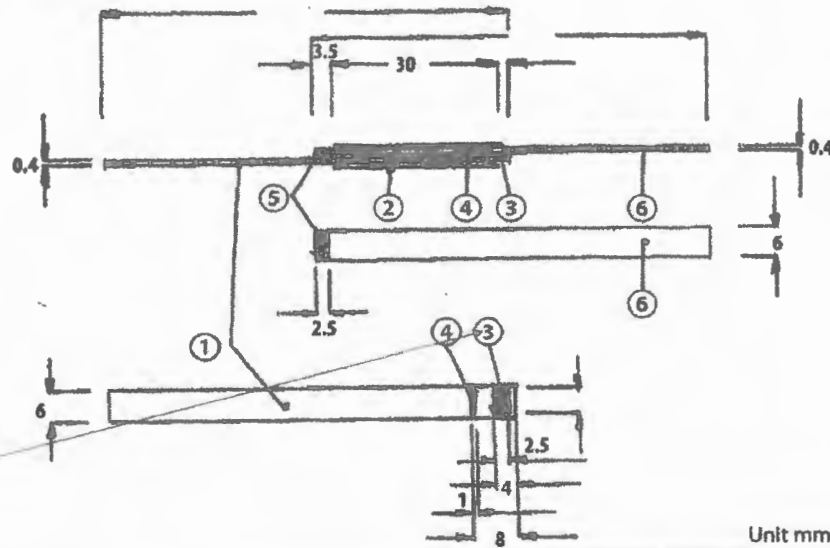
Patrick N. Spatter

**Christmas Cracker 8 Inch ( 200 mm)**

can smaller sizes be accepted



**Technical Drawing:**



Unit mm

Company name: Lung Hing Pyrotechnics Co., Ltd.  
Company address: Unit 2204, Greenfield Tower,  
Concordia Plaza,  
No.1 Science Museum Road,  
TST East, Kowloon, Hong Kong  
Email address: lunghing@netvigator.com





U.S. Department  
of Transportation

Research and  
Special Programs  
Administration

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

The US Department of Transportation  
Competent Authority for the United States

CLASSIFICATION OF EXPLOSIVES

Based upon a request by Susan Bateman on behalf of Robin Reed, Oldbury One, Brades Rd., Oldbury, West Midlands, England, the following items, which have components that appear to conform to the definition of an explosive, have been examined in accordance with Section 173.56, Title 49, Code of Federal Regulations (49 CFR) and have been found to be not regulated as an explosive. Although it is the responsibility of the shipper to make classification determinations of materials other than explosives, we suggest that these items be classed as follows:

U.N. PROPER SHIPPING NAME AND NUMBER: Not Regulated as an Explosive


REFERENCE NUMBER

EX-9909040

PRODUCT DESIGNATION/PART NUMBER

Christmas Cracker

Approved by:

  
Alan I. Roberts  
Associate Administrator  
for Hazardous Materials Safety

SEP 23 1999

(DATE)